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08/09/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059235	
Party	Plaintiff Nite Ize, Inc.	
Correspondence Address	ROBERT P ZIEMIAN HAYNES AND BOONE LLP 2323 VICTORY AVE, STE 700 DALLAS, TX 75219 UNITED STATES robert.ziemian@haynesboone.com	
Submission	Plaintiff's Notice of Reliance	
Filer's Name	Robert P. Ziemian	
Filer's e-mail	ipdocketing@haynesboone.com, venisa.dark@haynesboone.com, robert.ziemian@haynesboone.com	
Signature	/Robert Ziemian/	
Date	08/09/2016	
Attachments	92059235 Petitioner Nite Ize Second Notice of Reliance.pdf(194421 bytes) Exhibit G REDACTED Respondent Rsp 1st and 2nd sets INTS_Redacted.pdf(511252 bytes) Exhibit H Respondent Rsp 1st and 2nd sets RFA.pdf(370787 bytes) Exhibit I Petitioners 3rd RFA.pdf(199281 bytes) Exhibit I Petitioners 3rd RFA.pdf(199281 bytes) Exhibit I Ex 3 A.pdf(185954 bytes) Exhibit I Ex 3 B.pdf(1784537 bytes) Exhibit I Ex 3 C.pdf(136747 bytes) Exhibit I Ex 3 D.pdf(125260 bytes) Exhibit I Ex 3 E and F.pdf(2836080 bytes) Exhibit I Ex 3 F Without Exhibit Number.pdf(111797 bytes) Exhibit I Ex 3 G.pdf(138322 bytes) Exhibit I Ex 3 H.pdf(181288 bytes) Exhibit I Ex 3 I.pdf(181288 bytes) Exhibit I Ex 3 J.pdf(200595 bytes) Exhibit I Ex 3 J.pdf(200595 bytes) Exhibit I Ex 3 K NONCONFIDENTIAL COPY.pdf(208186 bytes) Exhibit I Ex 3 M.pdf(194615 bytes) Exhibit I Ex 3 N.pdf(194615 bytes) Exhibit I Ex 3 O.pdf(1244573 bytes) Exhibit I Ex 3 O.pdf(1244573 bytes)	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:	§
	§
Trademark Reg. No. 4179235	§
	§
Trademark: NITEYE	§
	§
Registered: July 24, 2012	§
	§
IC: 11	§ Cancellation No. 92059235
	§
NITE IZE, Inc.	§
Petitioner	§
	§
V.	§
	§
ZHANGWEI MO	§
Respondent	§

PETITIONER'S SECOND NOTICE OF RELIANCE

Pursuant to Trademark Rules 2.120(j) and 2.122(d) of the Trademark Rules of Practice, 37 C.F.R. \$2.120 and \$2.122, Petitioner Nite Ize, Inc., by counsel, hereby introduces into evidence and makes of record in this consolidated proceeding the documentation outlined below.

A. Petitioner will rely on the following documents:

- a. Respondent's Responses to Petitioner's First and Second Sets of Interrogatories (November 12, 2015) (non-confidential, redacted pages only for Exhibit G) (Exhibit "G").
- b. Respondent's Responses to Petitioner's First and Second Sets of Requests for Admission (November 12, 2015) (Exhibit "H").
- c. Petitioner's Third Set of Requests for Admission (January 11, 2016) (with referenced exhibits 3.A. through 3.O (non-confidential pages only for Exhibits 3K and 3L). (Exhibit "I"). Please note that these Requests for Admissions were never answered, so they are deemed admitted. Petitioner notified Respondent of Petitioner's intention to treat these Requests for Admissions as admitted on 5/13/16 and did not receive a response.
- d. Petitioner's Fourth Set of Requests for Admission (May 13, 2016) (Exhibit "J"). Please note that these Requests for Admissions were never answered, so they are deemed admitted. Petitioner notified Respondent of Petitioner's intention to treat these Requests for Admissions as admitted on 7/14/16 and did not receive a response.

Respectfully submitted,

Date: August 9, 2016 /Robert P. Ziemian/

Robert P. Ziemian, Esq.

Attorney for Petitioner

HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700

Dallas, Texas 75219

Telephone: 720-484-3713 Facsimile: 214-200-0853

robert.ziemian@haynesboone.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of August, 2016, the foregoing *Petitioner's Second Notice of Reliance* was served on Respondent's counsel of record, via email to the following:

P. Jay Hines Muncy, Geissler, Olds & Lowe, P.C. 4000 Legato Road, Suite 310 Fairfax, Virginia 22033

E-mail: jh@mg-ip.com; mailroom@mg-ip.com

/Robert P. Ziemian/

Robert P. Ziemian

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NITE IZE, INC.

Cancellation No. 92059235

Petitioner

V.

Registration No. 4179234

Mark: NITEYE

Filed: December 2, 2011

Issued: July 24, 2012

ZHANGWEI MO

Respondent.

RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SETS OF INTERROGATORIES

Pursuant to Rule 33, Fed. R. Civ. P., and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Respondent provides the following answers to the first and second sets of interrogatories of Petitioner. These answers are based upon the best information presently available to Respondent, and best belief of its counsel, and are made without prejudice to the right of Respondent to make additional or modified answers should better or further information or belief subsequently become available to Respondent. Moreover, these answers are made without prejudice to any right of the Respondent to offer evidence on its behalf or to object to the relevance, competence or admissibility of any ground of any evidence or witness offered by Petitioner; and these answers do not constitute an admission of competence or admissibility or evidence or a waiver of objection on any grounds.

GENERAL OBJECTIONS

1) Respondent objects to Petitioner's discovery requests to the extent that they seek information that falls within the attorney-client privilege, that constitutes attorney work product,

or that constitutes trial preparation materials on the grounds that matter within the attorney-client privilege is outside the scope of permissible discovery and that attorney work product and trial preparation material, absent an appropriate showing, fall outside the scope of permissible discovery.

- 2) Respondent objects to Petitioner's discovery requests to the extent they seek information that constitutes confidential, highly confidential business, or trade/secret/commercially sensitive information, but will provide such information and documents in accordance with the terms of the Board's Standardized Protective Order.
- 3) Respondent objects to Petitioner's discovery requests to the extent they seek discovery from third parties.
- 4) Respondent objects to Petitioner's discovery requests to the extent they seek to impose obligations beyond those required by the Federal Rules of Civil Procedure.
- 5) Respondent objects to Petitioner's discovery requests to the extent they seek information that is not within Respondent's possession, custody, or control; to the extent that the information is in the public domain and equally available to Applicant; or to the extent that the information is already in Applicant's possession.
- 6) Respondent objects to Petitioner's discovery requests to the extent they are unreasonably broad, unduly burdensome, oppressive, vague or ambiguous.
- 7) Respondent objects to Petitioner's discovery requests to the extent they seek information pertaining to matters outside of the United States.
- Respondent's written responses are based on information presently available to and located by Respondent and its attorneys. As Respondent has not completed its investigation of the facts relating to this case, its discovery in this action, or its preparation for any hearing or

trial, Respondent's written objections and written responses are made without prejudice to its right to supplement or amend its written objections and written responses and to present evidence discovered hereafter at any hearing or trial.

9) To the extent that specific general objections are cited herein in response to specific discovery requests, those specific objections are provided because they are believed to be particularly applicable to the discovery requests and are not to be construed as a waiver of any other general objection applicable to information and documents falling within the scope of the request. Moreover, the production of any non-relevant information, whether or not in response to any discovery requests, is not to be construed as a waiver of a claim of irrelevancy.

FIRST SET

INTERROGATORY NO. 1: For each interrogatory, state the name, business address and telephone number, personal address and telephone number, and job title and relationship to you, of each person who prepared or assisted in the preparation of your answer.

RESPONSE

Zhangwei Mo and P. Jay Hines.

INTERROGATORY NO. 2: Identify and describe the involvement of all persons known to you who took part in or were responsible for either the creation of the NITEYE Mark and/or its earliest use in commerce.

RESPONSE

Zhangwei Mo.

INTERROGATORY NO. 3: Identify and describe all facts and documents relating or referring to either the creation of the NITEYE Mark or its earliest selection for use.

RESPONSE

Respondent states that the mark is a coined term without any meaning.

INTERROGATORY NO. 4: Identify in detail each and every Product with which you have used the NITEYE Mark, and as to each such Product, state in detail the manner of such use (actual sales, advertisements, etc.), and the annual sales revenues in United States dollars for each of the past four (4) calendar years.

RESPONSE



INTERROGATORY NO. 5: Identify in detail each and every Product with which Respondent is currently using the NITEYE Mark, and as to each such Product, state in detail the manner of such use (actual sales, advertisements, etc.), and the annual sales revenues in United States dollars for each of the past four (4) calendar years.

RESPONSE



INTERROGATORY NO. 6: For each and every Product with which you have used or are using the NITEYE Mark, state the date of first use of each mark with that Product, and state the date of first use of each mark with that Product in-commerce.

RESPONSE

Respondent objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and on the ground that records are not kept in such a way that Respondent could provide the dates of first use per Product.

INTERROGATORY NO. 7: State the date(s) on which you first became aware of Petitioner's use of, or applications or registrations for, the NITE IZE Mark.

RESPONSE

Upon receipt of the Petition for Cancellation in June of 2014.

INTERROGATORY NO. 8: If you have ever received any misdirected mail, electronic mail, telephone calls, orders, inquiries or complaints, which were or may have been intended for Petitioner: (a) identify the communication or incident; (b) identify all persons having knowledge of the communication or incident; and (c) identify and produce all documents referring or relating to such communication or incident.

RESPONSE

Respondent is not aware of any such communications.

INTERROGATORY NO. 9: Describe in detail your standard for clearance of proposed trademarks, and indicate whether this procedure was used in clearance of the NITEYE Mark.

RESPONSE

Respondent objects to this interrogatory to the extent that it seeks information which is protected under the attorney client and attorney work product privileges.

INTERROGATORY NO. 10: Identify each owner or person having or having had any right to use the NITEYE Mark.

RESPONSE

Zhangwei Mo, Niteyelight Technology Co., Ltd. and Shenzhen Jetbeam Electronic Technology Co., Ltd.

INTERROGATORY NO. 11: Identify all of the channels of trade in which you have sold, sell, and/or intend to sell your Products in connection with the NITEYE Mark.

RESPONSE

Respondent objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Notwithstanding said objection, Respondent sells its products online through the websites of related companies and the websites of third parties.

INTERROGATORY NO. 12: Identify all of your former and current licensees, distributors, dealers or representatives who sell or who will sell Products bearing the NITEYE Mark, or offer products under the NITEYE Mark, either on their own behalf or on your behalf in the United States under a license or some other agreement and for each person, state their

relationship to you and provide a copy of their license, agreement, contract, or other authorization.

RESPONSE

Respondent objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Notwithstanding said objection, Respondent states that Niteyelight Technology Co., Ltd. and Shenzhen Jetbeam Electronic Technology Co., Ltd. are licensees of Respondent.

INTERROGATORY NO. 13: Explain the justification for the contents of your "Niteye declaration," dated April 19, 2014, located on your website at www.niteye.com/article/?type=detail&id=21 including your justification for the statement "All Niteye brand product are authorized by the designer who own all the patent and copyright of Jetbeam flashlight products."

RESPONSE

Respondent created the "NITEYE" mark and applied for registration of the mark in his individual capacity. Accordingly, he felt there should be a "NITEYE authorization declaration to clarify the use by related companies.

INTERROGATORY NO. 13: Explain why you created the "Niteye declaration," dated April 19, 2014, located at www.niteye.com/article/?type=detail&id=21 including an explanation of any pending, past, or threatened legal action which caused you to create the Niteye declaration.

RESPONSE

Respondent created the "NITEYE" mark and applied for registration of the mark in his individual capacity. Accordingly, he felt there should be a "NITEYE authorization declaration to clarify the use by related companies.

INTERROGATORY NO. 14: Identify and describe each lawsuit in which you have been a party by describing the named parties to the lawsuit, the subject matter and nature of the claims in the lawsuit, and the court(s) and case numbers in which the lawsuit was filed, pending and/or resolved.

RESPONSE

Respondent objects to this interrogatory on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 15: Identify each person that created the image(s) submitted to the United States Patent Trademark Office as a specimen of the NITEYE Mark's use in commerce.

<u>RESPONSE</u>

Respondent objects to this interrogatory on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated

Exhibit G - Redacted

to lead to the discovery of admissible evidence. Notwithstanding said objection, Respondent

identifies Zhangwei Mo.

INTERROGATORY NO. 16: Identify in detail the instances in which the Product(s)

depicted in the image(s) submitted to the United States Patent Trademark Office as specimens of

the NITEYE Mark's use in-commerce, were in fact used in commerce, including any instance of

such Product's sale or advertisement.

RESPONSE

Respondent objects to this interrogatory on the grounds that it is overly broad and unduly

burdensome and on the ground that records are not kept in such a way that Respondent could

provide the requested information.

SECOND SET

INTERROGATORY NO. 1: For each interrogatory, state the name, business address

and telephone number, personal address and telephone number, and job title and relationship to

you, of each person who prepared or assisted in the preparation of your answer.

RESPONSE

Zhangwei Mo

Group 3, Taisha Village

Nanming Town, Jianhe County,

4840-6609-9745.1.

Guizhou Province,

China

INTERROGATORY NO. 2: Identify and describe how Shenzhen Jetbeam Electronic Technology Co., Ltd. established the high-end outdoor lighting brand – NITEYE in 2011.

RESPONSE

Respondent objects to this interrogatory on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection, Respondent states that he established the brand in his own capacity.

INTERROGATORY NO. 3: Identify and describe why Shenzhen Jetbeam Electronic Technology Co., Ltd. established the high-end outdoor lighting brand – NITEYE in 2011.

RESPONSE

Respondent objects to this interrogatory on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection, Respondent states that he established the brand in his own capacity.

Respectfully submitted,

Zhangwei Mo

Date: Nov. 11, 2015

As to objections: Dated: All, 2015

By:

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C. 4000

Legato Road, Suite 310 Fairfax, VA 22033

Telephone: 703-621-7140 Fax: 703-621-7155

Email: mailroom@mg-ip.com

Attorneys for Respondent

Zhangwei Mo

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SETS OF INTERROGATORIES was served by email on this on this 12th day of November 2015, upon counsel for Petitioner at the following address of record:

Robert P. Ziemian Haynes and Boone, LLP 1801 Broadway, Suite 800 Denver, Colorado 80202

Loria Grindle

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NITE IZE, INC.

Cancellation No. 92059235

Petitioner

v.

Registration No. 4179234

Mark: NITEYE

ZHANGWEI MO

Filed: December 2, 2011

Respondent.

Issued: July 24, 2012

RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SETS OF REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Respondent hereby submits the following objections and answers to Petitioner's first and Second Sets of Requests for Admission.

GENERAL OBJECTIONS

The objections included in Respondent's Responses to Petitioner's First and Second Sets of Interrogatories are incorporated herein by reference.

FIRST SET

Request for Admission 1: Admit that Registration No. 4, 179,235 does not contain any restrictions on either the channels of trade through which your Products are or will be sold or the prospective purchasers of your Products.

Response

Denied. The channels of trade and the targeted purchasers are clear from the identification of goods in the Registration.

Request for Admission 2: Admit that the goods set forth in the registration of the NITEYE Mark, Registration No. 4, 179,235, are related to those goods covered by Respondent's registrations for the NITE IZE Mark, including Registration No. 1,620,077 and Registration No. 2,237,945.

Response

Respondent admits that some of the goods covered by Reg. No. 4179235 are related to the goods of the noted Registrations to the extent that accessories for flashlights are related to flashlights.

Request for Admission 3: Admit that at least one of the Products you sell is similar to a product sold by Nite lze.

Response

Objection – asks for a legal conclusion.

Request for Admission 4: Admit that LED flashlights and flashlight accessories are product-types that are similar to the product-types of LED flashlights and tactical lights.

Response

Objection – vague and asks for a legal conclusion.

Request for Admission 5: Admit that you sell at least one of your Products on the Internet, including through a website or online retailer.

Response

Admitted.

Request for Admission 6: Admit that at least one of your Products is sold by or through the online website Amazon.com (www.amazon.com).

Response

Admitted.

Request for Admission 7: Admit that the following Products described in your registration for NITEYE, Registration No. 4, 179,235, have never been sold to the public: Aquarium lights, Diving lights, Landscape lighting installations, Overhead lamps, table, floor and street lamps.

Response

Admitted.

Request for Admission 8: Admit that you do not intend to sell the following Products described in your registration for NITEYE, Registration No. 4, 179,235, to the public: Aquarium lights, Diving lights, Landscape lighting installations, Overhead lamps, table, floor and street lamps.

Response

Denied.

Request for Admission 9: Admit that the term "Night lze" is commonly pronounced "Night Eyes."

Response

Objection – it is well settled that there is no correct pronunciation of a mark.

Request for Admission 10: Admit that the term "NITEYE" is commonly pronounced "Night Eye."

Response

Objection – it is well settled that there is no correct pronunciation of a mark.

Request for Admission 11: Admit that the possessive and plural form of the term "NITEYE" is commonly pronounced "Night Eyes."

Response

Objection – it is well settled that there is no correct pronunciation of a mark.

Request for Admission 12: Admit that the NITEYE Mark is confusingly similar to the NITE IZE Mark.

Response

Denied.

Request for Admission 13: Admit that the prospective purchasers of your Products include cyclists, bikers, and outdoor recreationists.

Response

Admitted.

Request for Admission 14: Admit that the specimen submitted for registration to show use of the NITEYE Mark in commerce at the United States Patent Trademark Office is a picture of a Jet-1 MK flashlight.

Response

Admitted.

Request for Admission 15: Admit that the Jet-1 MK flashlight was not in production in 2010.

Response

Denied.

Request for Admission 16: Admit that the product that the specimen submitted for registration to show use of the NITEYE Mark in commerce at the United States Patent Trademark Office is an image of was never sold in-commerce in the United States in association with the NITEYE Mark.

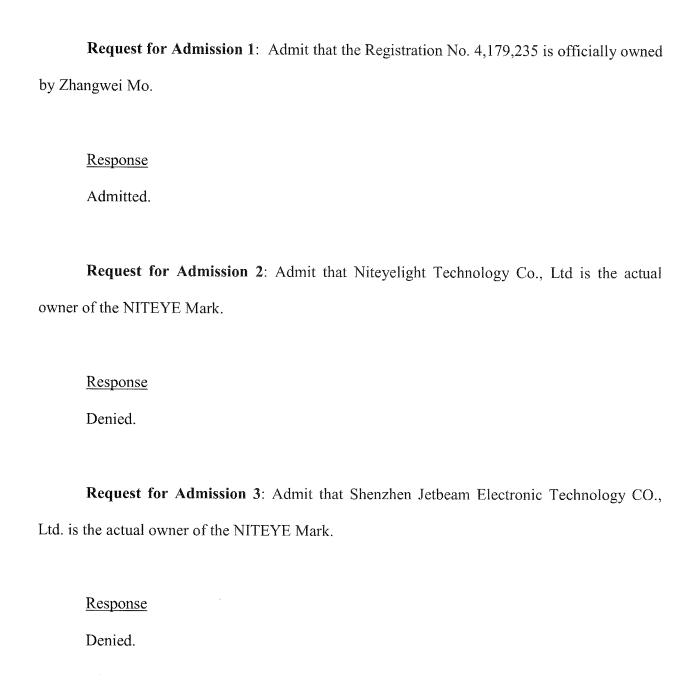
Response

Denied.

Request for Admission 17: Admit that the specimen submitted for registration to show use of the NITEYE Mark in commerce at the United States Patent Trademark Office is fraudulent, photoshopped, or otherwise modified image, modified to have the NITEYE Mark displayed on the flashlight shown in the image.

Response

Denied.



Request for Admission 4: Admit that the Niteyelight Technology Co., Ltd is the actual user of the NITEYE Mark and the seller of products bearing the NITEYE Mark in the United States of America.

Response

Admitted, under non-exclusive license from Zhangwei Mo, the owner and an office of the company.

Request for Admission 5: Admit that the Shenzhen Jetbeam Electronic Technology CO., Ltd. is the actual user of the NITEYE Mark and the seller of products bearing the NITEYE Mark in the United States of America.

Response

Admitted, under non-exclusive license from Zhangwei Mo, the owner and an officer of the company.

Request for Admission 6: Admit that the Zhangwei Mo has never sold a product with the NITEYE Mark in an individual capacity in the United States of America.

Response

Admitted, not directly, only through related companies.

Request for Admission 7: Admit that the attached Exhibit A is a real and true copy of an agreement signed between Niteyelight Technology Co., Ltd and Jetbeam flashlight products, also known as JETBeam Co., Ltd and Shenzhen Jetbeam Electronic Technology Co., Ltd.



Denied. Exhibit A is not an agreement.

Request for Admission 8: Admit that the attached Exhibit A is signed by Zhangwei Mo is his official capacity as an officer or owner of Niteyelight Technology Co., Ltd.

Response

Admitted.

Request for Admission 9: Admit that Zhangwei Mo is a corporate officer or owner of Niteyelight Technology Co., Ltd.

Response

Admitted.

Request for Admission 10: Admit that Zhangwei Mo is a corporate officer or owner of JETBeam Co., Ltd also known as Shenzhen Jetbeam Electronic Technology CO., Ltd.

Response

Admitted.

Request for Admission 11: Admit that Shenzhen Jetbeam Electronic Technology CO., Ltd.'s website, http://www.ietbeamlight.com/AboutUs.asp, states "To further promote

product innovation, Shenzhen Jetbeam Electronic Technology CO., Ltd established the highend outdoor lighting brand – NITEYE in 2011, which is mainly for bike lights, headlamps, searchlights and high-performance flashlights."

Response

Admitted.

Request for Admission 12: Admit that as stated on Shenzhen Jetbeam Electronic Technology CO., Ltd.'s website http://www.jetbeamlig:ht.com/AboutUs.asp, Shenzhen Jetbeam Electronic Technology CO., Ltd. established the high-end outdoor lighting brand NITEYE in 2011.

Response

Admitted.

Request for Admission 13: Admit that if Shenzhen Jetbeam Electronic Technology CO. did not establish NITEYE, that Niteyelight Technology Co., Ltd. established the brand NITEYE in 2011.

Response

Respondent is unable to properly admit or deny a conditional statement.

Request for Admission 14: Admit that since Zhangwei Mo and/or Niteyelight Technology Co., Ltd. and/or Shenzhen Jetbeam Electronic Technology CO., Ltd. did not establish the NITEYE brand until 2011, no use in commerce in the United States occurred as early as May 1, 2010.

Response

Denied.

Respectfully submitted,

Dated: November 12, 2015

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C.

4000 Legato Road, Suite 310

Fairfax, VA 22033

Telephone: 703-621-7140

Fax: 703-621-7155

Email: mailroom@mg-ip.com

Attorneys for Respondent

Zhangwei Mo

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing RESPONDENT'S RESPONSES TO PETITIONER'S FIRST AND SECOND SETS OF REQUESTS FOR ADMISSION was served by email on this on this 12th day of November 2015, upon counsel for Petitioner at the following address of record:

Robert P. Ziemian Haynes and Boone, LLP 1801 Broadway, Suite 800 Denver, Colorado 80202

Loria Grindle

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration Mark: Niteye	No. 4179235
NITE IZE, INC.,)
Petitioner,) Cancellation No. 92059235
V.)
ZHANGWEI MO,)
Respondent.)))

PETITIONER'S THIRD SET OF REQUESTS FOR ADMISSION

Petitioner Nite Ize, Inc. ("Petitioner" or "Nite Ize"), through undersigned counsel, submits the following requests for admission to be answered by Respondent Mo, Zhangwei ("Respondent") pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120.

INSTRUCTIONS

- 1. Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Respondent must respond fully and completely to the following requests for admission, in writing and under oath, within thirty (30) days of service hereof.
- 2. Each matter for which an admission is requested is separately set forth. Those matters are admitted without the necessity of a court order, unless, within thirty (30) days after service of these requests, Respondent serves upon Petitioner, through counsel, a written answer or objection addressed to the matter, and signed by Respondent or its attorney. Any such answer must specifically deny the matter or set forth in detail the reason that the Respondent cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that Respondent qualify its answer or deny only a part of the matter in which an admission is admitted, it shall specify so much of it as is true and qualify or deny the remainder.

1

3. Respondent may not give lack of information or knowledge as a reason for the failure to admit or deny unless it states that it has made reasonable inquiry and that the information known or easily obtainable by it is insufficient to enable it to admit or deny. Any matters admitted in the attached requests for admission are conclusively established as to Respondent.

DEFINITIONS

For the purposes of these requests for admission, the following definitions shall apply:

- 4. The term "you" and "your" shall refer to Respondent, MO, ZHANGWEI, and any person acting on their behalf.
- 5. Use of the singular form of any word includes the plural form of that word and vice versa.
- 6. The conjunctives "and" and "or" shall be construed both conjunctively and disjunctively and each shall include the other to encompass the broadest possible response.
- 7. The phrase "Niteye Mark" or "Niteye" refers to the mark more fully described in Registration No. 4,179,235.
- 8. The phrase "NITE IZE Mark" or "NITE IZE" refers to the mark more fully described in Registration Nos. 1,620,077 and 2,237,945.
- 9. The term "Product" includes any good currently or previously sold or advertised by you, any good currently or previously sold or advertised under the Niteye brand, any good currently or previously using the Niteye Mark, any good currently or previously listed on the website www.niteyelight.com/product/, and any good, whether currently sold to the public or otherwise, described in Registration No. 4,179,235.

REQUESTS FOR ADMISSION

Request for Admission 1: Admit that the attached Exhibit 3.A is a copy of the specimen submitted to the United States Patent and Trademark Office for the registration of the word mark JETBEAM, registration no. 3925114.

Request for Admission 2: Admit that you own the registration no. 3925114.

Request for Admission 3: Admit that the first specimen image shown on page 3 of Exhibit 3.A is a Jet-1 MK flashlight.

Request for Admission 4: Admit that the first specimen image shown on page 3 of Exhibit 3.A was copied from the webpage:

http://www.candlepowerforums.com/vb/showthread.php?116817JetbeamJetIruntimetest s(variousbatts)

An image of such webpage attached as Exhibit 3.B (see page 2 of Exhibit 3.B).

Request for Admission 5: Admit that Exhibit 3.B is a true and accurate image of the original webpage:

http://www.candlepowerforums.com/vb/showthread.php?116817JetbeamJetIruntimetests(variousbatts).

Request for Admission 6: Admit that according to Exhibit 3.B (see page 12), the white cylindrical objects hanging from the Jet-1 MK flashlight shown on page 2 of Exhibit 3.B are custom glowsticks.

Request for Admission 7: Admit that you do not have and have never had possession of the white cylindrical objects (glowsticks) hanging from the specimen submitted for registration to show use of the Niteye Mark in commerce at the United States Patent and Trademark Office.

Request for Admission 8: Admit that the white cylindrical objects hanging from the Jet-1 MK flashlight shown on page 2 of Exhibit 3.B are not objects made or ever possessed by you.

Request for Admission 9: Admit that the specimen (see Exhibit 3.C) submitted for registration to show use of the Niteye Mark in commerce at the United States Patent and Trademark Office is a modified version of image on page 2 of Exhibit 3.B.

Request for Admission 10: Admit that the specimen (see Exhibit 3.C) submitted for registration to show use of the Niteye Mark in commerce at the United States Patent and Trademark Office is a modified version of image on page 3 of Exhibit 3.A.

Request for Admission 11: Admit that the specimen (see Exhibit 3.C) submitted for registration to show use of the Niteye Mark in commerce at the United States Patent and Trademark Office is a modified version of image on page 2 of Exhibit 3.B, primarily modified by rotating the image ninety degrees and substituting the characters "Niteye" for the previously existing characters.

Request for Admission 12: Admit that the specimen (see Exhibit 3.C) submitted for registration to show use of the Niteye Mark in commerce at the United States Patent

and Trademark Office is a modified version of image on page 3 of Exhibit 3.A, primarily modified by rotating the image ninety degrees and substituting the characters "Niteye" for the previously existing characters.

Request for Admission 13: Admit that Request for Admission 17 of the Petitioner's First Set of Requests for Admissions was improperly and wrongfully denied.

Request for Admission 14: Admit that the specimen submitted for registration to show use of the Niteye Mark in commerce at the United States Patent and Trademark Office is a fraudulent, photo-shopped, or otherwise modified image, modified to have the Niteye Mark displayed on the flashlight shown in the image.

Request for Admission 15: Admit that the product shown in the specimen submitted to show use of the Niteye Mark in commerce at the United States Patent Trademark Office was never sold in-commerce in the United States in association with the Niteye Mark.

Request for Admission 16: Admit that the product shown in the specimen submitted to show use of the Niteye Mark in commerce at the United States Patent Trademark Office had not been sold in-commerce in the United States in association with the Niteye Mark at the time the specimen was submitted.

Request for Admission 17: Admit that EYE30 flashlight (alternatively known as the EYE-30 flashlight) was the first flashlight sold bearing the Niteye Mark.

Request for Admission 18: Admit that EYE30 flashlight was not sold as early as May 1, 2010 in the United States.

Request for Admission 19: Admit that EYE30 flashlight was not sold prior to September 2010 in the United States.

Request for Admission 20: Admit that EYE30 flashlight was not sold in the year 2010 in the United States.

Request for Admission 21: Admit that the EYE30 flashlight was not released and first sold before November 1, 2011.

Request for Admission 22: Admit that the EYE30 flashlight was not released and first sold before June 1, 2011.

Request for Admission 23: Admit that the EYE30 flashlight was not released and first sold before January 1, 2011.

Request for Admission 24: Admit that the website <u>www.niteyelight.com</u> indicated on December 26, 2011 that the EYE30 flashlight was coming on December 1,

2012. (A web.archive.org capture of the webpage is attached as Exhibit 3.F for convenience).

Request for Admission 25: Admit that Exhibit 3.F, except for the images inserted by web.archive.org for archive tracking purposes, is a true and accurate reproduction of the original webpage: www.niteyelight.com as it existed on December 26, 2011.

Request for Admission 26: Admit that your website says "Niteye—the eyes at night, which means our high quality illuminate tools will bring you a comfortable light for your activities at night, just like supply you another bright eye." (see http://niteyelight.com/aboutus/)

Request for Admission 27: Admit that your response to Interrogatory No. 3 of the first set of Interrogatories is incorrect in saying that "the mark is a coined term without any meaning."

Request for Admission 28: Admit that Niteye includes the meaning of "eyes at night."

Request for Admission 29: Admit that after the date September 3, 2006, the JET-I MK flashlight was no longer available for sale.

Request for Admission 30: Admit that after the date September 3, 2006, the JET-I MK flashlight was no longer available for sale and was replaced by the JET-I MK-II.

Request for Admission 31: Admit that after the date January 1, 2007, the JET-I MK flashlight was no longer available for sale and was replaced by the JET-I MK-II.

Request for Admission 32: Admit that after the date January 1, 2007, the JET-I MK flashlight was no longer available for sale.

Request for Admission 33: Admit that Exhibit 3.E, except for the images inserted by web.archive.org for archive tracking purposes, is a true and accurate reproduction of a genuine original webpage: http://www.flashlightreviews.com/reviews/jetbeam_jet-1.htm as it was on September 3, 2006.

Request for Admission 34: Admit that Exhibit 3.E is a true and accurate reproduction of a genuine original webpage captured by web.archive.org: http://www.flashlightreviews.com/reviews/jetbeam_jet-1.htm as it was on September 3, 2006.

Request for Admission 34: Admit that Exhibit 3.E indicates that the JET-I MK flashlight is no longer available as of September 3, 2006 when the webpage published.

Request for Admission 35: Admit that Exhibit 3.E indicates that new JET-I MK flashlight were no longer being made as of September 3, 2006 when the webpage published.

Request for Admission 36: Admit production of JET-I MK flashlight ceased prior to September 3, 2006.

Request for Admission 37: Admit that Exhibit 3.D shows a JET-I MK-II next to a JET-I MK flashlight.

Request for Admission 38: Admit that Exhibit 3.D shows what appears to be an image of a JET-I MK-II next to a JET-I MK flashlight.

Request for Admission 39: Admit that in Exhibit 3.D the cross hashing in the metal exterior of the flashlight near the top end of the JET-I MK-II flashlight has a diamond-like pattern.

Request for Admission 40: Admit that in Exhibit 3.D the cross hashing in the metal exterior of the flashlight near the top end of the JET-I MK-II flashlight is representative of the pattern on JET-I MK-II flashlights.

Request for Admission 41: Admit that in the cross hashing in the metal exterior of the flashlight near the activation button of the JET-I MK-II flashlight has a diamond-like pattern.

Request for Admission 42: Admit that in Exhibit 3.D the cross hashing in the metal exterior of the flashlight near the top end of the JET-I MK flashlight has a horizontal and vertical line pattern.

Request for Admission 43: Admit that in Exhibit 3.D the cross hashing in the metal exterior of the flashlight near the top end of the JET-I MK flashlight is representative of the pattern on JET-I MK flashlights.

Request for Admission 44: Admit that the cross hashing in the metal exterior of the flashlight near the activation button of the JET-I MK flashlight has a horizontal and vertical line pattern.

Request for Admission 45: Admit that, in the specimen (see Exhibit 3.C) submitted for registration of the Niteye Mark, the cross hashing in the metal exterior of the flashlight near the top end of the flashlight has a horizontal and vertical line pattern.

Request for Admission 46: Admit that the specimen (see Exhibit 3.C) submitted for registration of the Niteye Mark, the cross hashing in the metal exterior of the flashlight near the top end of the flashlight is consistent with that of a JET-1MK flashlight.

Request for Admission 47: Admit that each of the following documents attached as an exhibit to these requests for admissions is a true and accurate reproduction of a genuine original:

- a) The specimen for the attached registration no. 3925114 shown Exhibit 3.A;
- b) The specimen for the Niteye Mark shown Exhibit 3.C.

Request for Admission 48: Admit that each of Exhibit 3.B is a true and accurate reproduction of a genuine original webpage for http://www.candlepowerforums.com/vb/showthread.php?116817JetbeamJetlruntimetest s(variousbatts).

Request for Admission 50: Admit that your company Niteye owns and operates or has owned and operated two websites that advertise the Niteye name.

Request for Admission 51: Admit that one of those websites is www.niteye.com.

Request for Admission 52: Admit that the website <u>www.niteye.com</u> was created on November 17, 2011.

Request for Admission 53: Admit that the website <u>www.niteye.com</u> was created approximately three years after you claim you had been using the name "Niteye."

Request for Admission 54: Admit that the website <u>www.niteye.com</u> was created more than one year after you claim the name "Niteye" had been used in the United States stream of commerce.

Request for Admission 55: Admit that the website <u>www.niteye.com</u> was created by XINNET Technology Corp. at the behest of you or an authorized representative of your company Niteye.

Request for Admission 56: Admit that Exhibit 3.G is a true and accurate reproduction of the registration information for your website www.niteye.com.

Request for Admission 57: Admit that your first news post on the www.niteye.com website was on November 25, 2011.

Request for Admission 58: Admit that Exhibit 3.H is a true and accurate image of the first news post on your website www.niteye.com.

Request for Admission 59: Admit that the other website owned and operated by Niteye is www.niteyelight.com.

Request for Admission 60: Admit that the website <u>www.niteyelight.com</u> was created on November 16, 2011.

Request for Admission 61: Admit that the website <u>www.niteyelight.com</u> was created approximately three years after you claim you had been using the name "Niteye."

Request for Admission 62: Admit that the website <u>www.niteyelight.com</u> was created more than one year after you claim the name "Niteye" had been used in the United States stream of commerce.

Request for Admission 63: Admit that the website <u>www.niteyelight.com</u> was created by XINNET Technology Corp. at the behest of you or an authorized representative of your company Niteye.

Request for Admission 64: Admit that Exhibit 3.I is a true and accurate reproduction of the registration information for your website www.niteyelight.com.

Request for Admission 65: Admit that your first activity on the www.niteyelight.com website was the Niteye Authorization Declaration.

Request for Admission 66: Admit that the Niteye Authorization Declaration was issued on April 19, 2012 on the www.niteyelight.com website.

Request for Admission 67: Admit that the Niteye Authorization Declaration, issued on April 19, 2012 on the www.niteyelight.com website states: "All Niteye products are authorized by the brand owner Shenzhen Jetbeam Electronic Technology CO., Ltd, who owns all the patents and copyrights of Jetbeam flashlights."

Request for Admission 68: Admit that the Niteye Authorization Declaration, issued on April 19, 2012 on the www.niteyelight.com website further states: "In Europe, JETBeam Ltd distributes all it's fsic/ products ONLY in Niteye since April 2012."

Request for Admission 69: Admit that Exhibit 3.J is a true and accurate reproduction of that Authorization Declaration for your company Niteye on your website www.niteyelight.com.

Request for Admission 70: Admit that Niteye has only been distributed into Europe since April 2012.

Request for Admission 71: Admit that you or an authorized representative applied for a European Trademark for the name "Niteye" that was filed by the European Trademark Office on December 5, 2011.

Request for Admission 72: Admit that you or an authorized representative filed for a United States 1(a) trademark with the United States Patent and Trademark Office for the name "Niteye" that was filed by the United States Patent and Trademark Office on December 2, 2011.

Request for Admission 73: Admit that you have failed to provide any documents corroborating your claim that sales in the United States were occurring as early as 05/01/2010?

Request for Admission 74: Admit that the oldest contract you have supplied to counsel for Nite Ize, Inc. as was made on July 18, 2012.

Request for Admission 75: Admit that this contract was a Distributor Contract between you or personnel authorized to enter into a contract on behalf of Niteye.

Request for Admission 76: Admit that this contract was a Distributor Contract granting exclusive rights to distribute Niteye products to the Korean market.

Request for Admission 77: Admit that this Distributor contract did not grant a license to distribute Niteye products in any other country besides Korea.

Request for Admission 78: Admit that Exhibit 3.K is a true and accurate reproduction of the contract entered between Niteye and C&P Corp.

Request for Admission 79: Admit that you produced a Purchase Order as per the Request for Admissions sent to you or your authorized representative by counsel for Nite Ize, Inc. indicating that you were only selling to Shore Power, Inc. in the United States starting in March 2014.

Request for Admission 80: Admit that Exhibit 3.L is a true and accurate reproduction of the Purchase Order for Niteye products ordered March 27, 2014.

Request for Admission 81: Admit that you were not distributing to any other United States retailer before March 2014.

Request for Admission 82: Admit that when you applied for a US Trademark for Niteye, you applied for a 1(a) application?

Request for Admission 83: Admit that in that United States Trademark 1(a) application for Niteye, you indicated that Niteye should be trademarked for all good services related to the following:

"Aquarium lights; Bicycle lights; Diving lights; Flashlights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps."

Request for Admission 84: Admit that your United States 1(a) trademark application declared that Niteye products related to the following:

"Aquarium lights; Bicycle lights; Diving lights; Flashlights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps"

were in the United States stream of commerce by May 1, 2010.

Request for Admission 85: Admit that you signed the Declaration at the end of the United States Patent and Trademark Office Niteye trademark application that stated the following:

"The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true."

Request for Admission 86: Admit that you, Zhangwei Mo, signed the declaration on December 2, 2011.

Request for Admission 87: Admit that on the basis of your signature on December 2, 2011 to the Niteye United States trademark application, that you declared, under pains and penalties of perjury, that all products listed in the United States 1(a)

trademark application using the Niteye name were in the United States stream of commerce at the time of your application.

Request for Admission 88: Admit that any Niteye aquarium lights are still not in the United States stream of commerce.

Request for Admission 89: Admit that any Niteye driving lights are still not in the United States stream of commerce.

Request for Admission 90: Admit that any Niteye landscape lighting installations are still not in the United States stream of commerce.

Request for Admission 91: Admit that any Niteye overhead lamps are still not in the United States stream of commerce.

Request for Admission 92: Admit that any Niteye pocket search lights are still not in the United States stream of commerce.

Request for Admission 93: Admit that any Niteye safety lamps for underground use are still not in the United States stream of commerce.

Request for Admission 94: Admit that any Niteye searchlights are still not in the United States stream of commerce.

Request for Admission 95: Admit that any Niteye ultraviolet lamps not for medical purposes are still not in the United States stream of commerce.

Request for Admission 96: Admit that any Niteye table lamps are still not in the United States stream of commerce.

Request for Admission 97: Admit that any Niteye floor lamps are still not in the United States stream of commerce.

Request for Admission 98: Admit that any Niteye street lamps are still not in the United States stream of commerce.

Request for Admission 99: Admit that you lead the United States Patent and Trademark Office examiner to believe that the following existed:

"Aquarium lights; Bicycle lights; Diving lights; Flashlights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps"

even though you knew that Niteye was not selling these products in the United States.

Request for Admission 100: Admit that the Niteye EYE-30 product is the first product to be sold under the Niteye Mark.

Request for Admission 101: Admit that Exhibit 3.M is a true and accurate reproduction of an advertisement Niteye created to advertise the Niteye EYE-30.

Request for Admission 102: Admit that the advertisement captured in Exhibit 3.M stating that the "EYE30 is Niteye [sic] first high-end & high-tech light…" means that the EYE-30 product is the first light made and sold under the Niteye Mark.

Request for Admission 103: Admit that Niteye posted URLs to reviews of the Niteye EYE-30 on the www.niteyelight.com website.

Request for Admission 104: Admit that Exhibit 3.N is a true and accurate reproduction of the webpage: http://www.niteyelight.com/article/?type=detail&id=20 that indicates "EYE30's popular reviews by various consumers!"

Request for Admission 105: Admit that Exhibit 3.N can be found at the following URL: http://www.niteyelight.com/article/?type=detail&id=20.

Request for Admission 106: Admit that the reviews for the Niteye EYE-30 are in multiple languages including English.

Request for Admission 107: Admit that none of the reviews were posted for the Niteye EYE-30 prior to January 2012.

Request for Admission 108: Admit that Exhibit 3.O is a true and accurate reproduction of the webpage http://www.extremelights.co.za/product/niteye-eye30-flashlight/.

Request for Admission 109: Admit that Exhibit 3.O is a website of an authorized Niteye flashlight reseller.

Request for Admission 110: Admit that Exhibit 3.O is indicates that the EYE30 was the first flashlight sold under the Niteye Mark.

Request for Admission 111: Admit that you approved the write up of the EYE30 flashlight in Exhibit 3.O.

Dated January 11, 2016

Respectfully submitted, Haynes and Boone LLP

By: April 5

Robert P. Ziemian

Address

Telephone: 720-484-3713

Fax:

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on this 11th day of January 2016 a copy of the foregoing **PETITIONER'S THIRD SET OF REQUESTS FOR ADMISSION** was served by e-mail to the following:

P. Jay Hines Muncy, Geissler, Olds & Lowe P.C. 4000 Legato Road, Suite 310 Fairfax, Virginia 22033 E-mail: jh@mg-ip.com

/Robert P. Ziemian/

Generated on:

This page was generated by TSDR on 2016-01-08 12:12:01 EST

Mark: JETBEAM

JE I Beam

US Serial Number: 85058190 Application Filing Date:

Jun. 09, 2010

US Registration Number: 3925114 Registration Date:

Mar. 01, 2011

Filed as TEAS Plus: Yes Currently TEAS Plus:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Mar. 01, 2011

Publication Date: Dec. 14, 2010

Mark Information

Mark Literal Elements:

JETBEAM

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark:

The mark consists of the stylized wording "JETBEAM" with the wording "ETBEAM" overlined by a horizontal line.

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Design Search Code(s):

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Underlined words or letters; Overlined words or letters

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Aquarium lights; Bicycle lights; Diving lights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps

International Class(es): 011 - Primary Class U.S Class(es):

013, 021, 023, 031, 034

Class Status:

ACTIVE

Basis:

1(a)

First Use: May 11, 2005 Use in Commerce:

Apr. 01, 2006

Basis Information (Case Level)

Filed Use: Ye	S Currently Use:	Yes Amended Use:	No
Filed ITU: No	Currently ITU:	No Amended ITU:	No
Filed 44D: No	Currently 44D:	No Amended 44D:	No
Filed 44E: No	Currently 44E:	No Amended 44E:	No
Filed 66A: No	Currently 66A:	No	
Filed No Basis: No	Currently No Basis:	No	

Current Owner(s) Information

Owner Name:

ZHANGWEI, MO

Owner Address:

GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY GUIZHOU PROVINCE CHINA

Legal Entity Type: INDIVIDUAL

Citizenship:

CHINA

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address:

ANITA YU KAM FUNG GARDEN, 458 CASTLE PEAK ROAD, FLAT F, 23/F, BLOCK 1 TSUEN WAN HONG KONG

Correspondent e-mail: gx6668@yahoo.com.hk

Correspondent e-mail Authorized:

No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2011	REGISTERED-PRINCIPAL REGISTER	
Dec. 14, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 14, 2010	PUBLISHED FOR OPPOSITION	
Nov. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Nov. 07, 2010	ASSIGNED TO LIE	77976
Oct. 26, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 26, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 26, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 26, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 20, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 20, 2010	NON-FINAL ACTION E-MAILED	6325
Sep. 20, 2010	NON-FINAL ACTION WRITTEN	76635
Sep. 20, 2010	ASSIGNED TO EXAMINER	76635
Jun. 15, 2010	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Jun. 14, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 12, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Mar. 01, 2011



Page 3 of 4

Exhibit 3.A









If this is your first visit, be sure to check out the **FAQ** by clicking the link above. You may have to **register** before you can post: click the register link above to proceed. To start viewing messages, select the forum that you want to visit from the selection below.

Results 1 to 30 of 56

▼ Page 1 of 2

1 2

Thread Tools

Last ▶

Display -

Thread: <u>Jetbeam Jet-I runtime tests (various batts)</u>



LEDCANGIE

Flashaholic*



Join Date: Location: Posts: Aug 2005 Mushroom S'pore 1,943

Jetbeam Jet-I runtime tests (various batts)

The first impressions thread of the Jet-I is here :- http://www.candlepowerforums.com/vb/...d.php?t=116567

There are useful reviews and comments in that thread. I decided not to bury the runtime tests in there as it might not be obvious that tests have been done, so I decided on a separate thread.

Some photos first before I start :-

Page 1 of 19















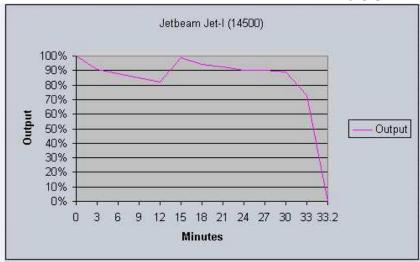
The Runtime Tests

AW 14500 older model, 750 mah

Starting Resting voltage: 4.15v

End voltage: 0v (Protection PCB kick in)

100% lumen **estimate** (based on my DIY lightbox): 78 lumens (In the impressions thread, I mentioned 95 lumens, but after some recalibration of the lightbox again with my Fenix, 78 came up. 78 vs 95 will not be easily visible to the eye anyway.



Update 5-5-06: Realised my infrared thermometer might be spoilt so I removed the temperature graph.

If not held in hand to conduct the heat, the Jet-I becomes SCORCHING hot (as do most small, powerful lights 💮)

Sanyo 2500 mah NiMh AA *added 5-5-06*

Starting Resting voltage: 1.4v

End voltage: 1.12v

100% lumen **estimate** (based on my DIY lightbox) : 33

lumens



The light can still go on with usable 'moon mode' light, as also stated by Emil. but I decided to stop the test. 2 hours + of great light.

Duracell Alkaline AA *added 10-5-06* **Page 6 of 19**

Starting Resting voltage: 1.49v

End voltage: 0.81v

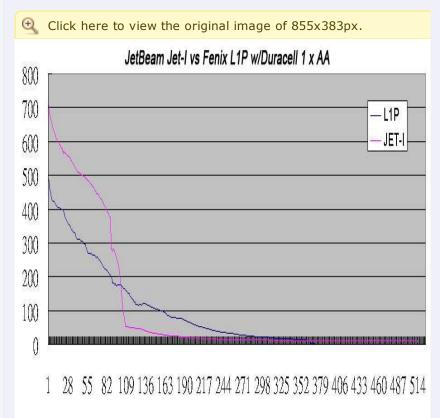
100% lumen **estimate** (based on my DIY lightbox) : 30

lumens



0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100 105 110 115 120 125 130 Minutes

vs Emil's chart



Last edited by LEDcandle; 05-10-2006 at 03:41 AM.

Reply With Quote

■ 05-04-2006, 09:02 AM

#2

Somy Nex o

Flashaholic*



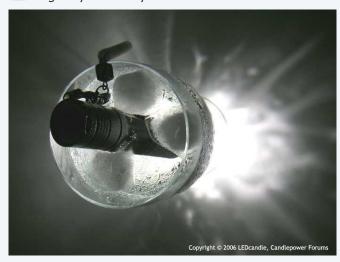
Join Date: Sep 2005 Location: Penang, Malaysia

Posts: 746

Re: Jetbeam Jet-I 14500 runtime test

Excellent work LEDCandle, and an excellent series of pics too 🕞 this one is my favorite 📅





Somy Nex

Pics & Beamshots: www.pbase.com/somynex/beamshots

Reply With Quote

■ 05-04-2006, 09:24 AM



Planterz o

Flashaholic*



Join Date: Dec 2005 Location: Tucson, AZ Posts: 1,162

Re: Jetbeam Jet-I 14500 runtime test

Kind of a wonky plot. Looks like it holds its brightness pretty well though. +/- 10% output isn't really noticable under regular use.

Actually, now that I think about it, the plot looks about right. If it detects 3.7-4.2V (lithium ion) it runs in direct-drive mode until it stabilizes its voltage to "normal" and the light switches to 3W regulated. Pretty cool.

Page 8 of 19

Last edited by Planterz; 05-04-2006 at 09:31 AM.

Reply With Quote

■ 05-04-2006, 09:32 AM

LEDcandle •

Flashaholic*



Location:

Posts:

Aug 2005

Mushroom S'pore 1,943

Re: Jetheam Jet-I 14500 runtime test

I mentioned in the other thread, the Jet-I seems to run DD when the 14500 is 3.9-4.2v (as stated by Emil, for around the first 10 mins), then regulation kicks in (estimated ard 3.7-3.8v) and the output and temp goes up accordingly.

Edit: Ok, you caught it 66

SomyNex, thanks for the comments. I kinda like how that turned out too 🜐

Last edited by LEDcandle; 05-04-2006 at 09:34 AM.

Reply With Quote

■ 05-04-2006, 10:15 AM

owenbright o

Flashaholic

Join Date: Nov 2005 Location: Land of Lincoln

Posts:

Re: Jetbeam Jet-I 14500 runtime test

very nice pictures. Thanks for doing the runtime. I'm still waiting for mine though.

Reply With Quote

■ 05-04-2006, 11:54 AM

COMMANDR O

Flashaholic



Join Date: Feb 2006 Location: Belvidere,II

Posts: 211

Re: Jetbeam Jet-I 14500 runtime test

Kudos on the runtime charts.

Still waiting for mine to show up. 🤭 🕍



Phasers on Stun

Flashaholic

Page 9 of 19



■ 05-04-2006, 04:27 PM

nakahoshi o

Flashaholic*



Join Date: Feb 2006 Dulles VA Location: Posts: 1,072

Re: Jetbeam Jet-I 14500 runtime test

Very cool info, its so sad to see an empty mail box every day this week... TOMORROW MAYBE?

hope so!

-bobby

MLR<3

Reply With Quote

■ 05-04-2006, 07:18 PM

Haz o

Flashaholic*



Apr 2005 Join Date:

Location: Sydney, Australia

Posts: 916



Re: Jetbeam Jet-I 14500 runtime test

Thanks for the impressive pics LEDcandle, i like the side by side comparison with the Fenix

Reply With Quote

■ 05-05-2006, 01:14 AM

chestergw o

Flashaholic*



Join Date:

May 2005

Location: singapore, jurong

Posts: 1,968



Re: Jetbeam Jet-I 14500 runtime test

don't push it 🜍 stop forcing me to buy them!!! (aaah!!!oneoneone)

if killing was legal, i would have killed countless number of people...

Reply With Quote

■ 05-05-2006, 01:27 AM

Page 10 of 19

#10

LEDcandle o

Flashaholic*



Location: Posts:

Aug 2005 Mushroom S'pore

1,943

Re: Jetbeam Jet-I 14500 runtime test

If they can keep costs low and make this multiple brightness, or just 3-stage, this would definitely be THE budget EDC. With tritium options, it just makes the deal even sweeter.

Even now, it is a great EDC. Super bright, 2-stage coming soon (don't know what the lower mode will be like), good quality (save minor contact issues and stiff switch), nice finish, versatility with batteries (even AAA!!), double o-rings on both ends etc...

I would be interested to see the runtime on 2 x AA setup, which is the only other way to run the Jet at 3w. Theoretically, it should last about 1 hour on that setup, (assuming 2 good 2500mah NiMhs).

Last edited by LEDcandle; 05-05-2006 at 01:38 AM.

Reply With Quote

■ 05-05-2006, 07:24 AM

<u>auriga</u> o

Enlightened

Join Date: Jan 2005 Location: Sweden Posts: 24



Re: Jetbeam Jet-I 14500 runtime test

Q Originally Posted by **LEDcandle**

I would be interested to see the runtime on 2 x AA setup, which is the only other way to run the Jet at 3w. Theoretically, it should last about 1 hour on that setup, (assuming 2 good 2500mah NiMhs).

The difference between 1AA and 2AA is MUCH smaller than from 2AA to 1 14500, at least on my light. I would really like to see the difference in output between 2AA and 1 14500, all I can say right now is that they are not even close.

Reply With Quote

#12

■ 05-05-2006, 08:21 AM

Aug 2005

LEDcandle •

Flashaholic*



Join Date:



Re: Jetbeam Jet-I 14500 runtime test

Updated with Sanyo 2500 runtime chart. My battery has had about 14 cycles, a mix of slow (800 ma) and fast (2500ma) charging.

Page 11 of 19

Exhibit 3.B

Location: Posts: Mushroom S'pore

1,943

auriga, you mean 2AA doesn't seem to run it as bright as the 14500? Hmm, I am assuming the 2AA runs it at true 3w and the 14500 might overdrive it to maybe around 4w, based *roughly* on voltage x batt current draw.



■ 05-05-2006, 08:30 AM

#13

ahchoo o

Enlightened

Join Date: Jan 2006

8

Posts:

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Just curious...what is that white cylindrical thingy u have hanging on the light?

Reply With Quote

■ 05-05-2006, 08:36 AM

#14

LEDcandle o

Flashaholic*



Join Date: Aug 2005 Location: Mushroom S'pore

Posts: 1,943

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Hi agchoo, that's my custom made glowstickie :- http://www.candlepowerforums.com/vb/...d.php? t=111116



Reply With Quote

■ 05-05-2006, 11:04 AM

#15

blake711 o





Join Date: Mar 2006 Location: In the country

Posts: 160

Re: Jetbeam Jet-I 14500 runtime test

Originally Posted by LEDcandle

I would be interested to see the runtime on $2 \times AA$ setup, which is the only other way to run the Jet at 3w. Theoretically, it should last about 1 hour on that setup, (assuming 2 good 2500mah NiMhs).

You have the 123a option also will it not drive it at 3w?

Reply With Quote



LEDcandle •

Flashaholic*



Aug 2005 Join Date:

Location: Mushroom S'pore

Posts: 1,943

Re: Jetbeam Jet-I 14500 runtime test

oops, forgot about the CR123a and R123as 🜐

Reply With Quote

■ 05-05-2006, 06:49 PM

#17

cheapo o

Flashaholic*



Join Date: Jan 2005

3,326 Posts:

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

LED_CANDLE, do u use the 14500 in your jet I??

-David

Reply With Quote

■ 05-05-2006, 09:22 PM

#18

Planterz o

Flashaholic*



Join Date:

Dec 2005

Location: Tucson, AZ

Posts: 1,162

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Wow, that NiMH plot looks great!

Reply With Quote

■ 05-05-2006, 10:21 PM

#19

cheapo o

Flashaholic*



Jan 2005 Join Date:

Posts: 3,326

😎 Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

OK, does the jet1 on 14500s throw as far as a kl1?

-DAvid

Page 14 of 19

Reply With Quote

■ 05-05-2006, 11:50 PM

<u>#20</u>

LEDcandle o

Flashaholic*



Join Date: Aug 2005 Location: Mushroom S'pore Posts: 1,943

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Not sure, cheapo, I don't own a KL1. I'm getting around 2760 max lux from 1m on my Lux meter. My gladius max gets 3200.

The beam is very nice, and the hotspot has no donut hole, even when very very close to a surface. It throws very well, just that probably not as much as bigger optic/reflector lights.

Reply With Quote

■ 05-06-2006, 06:01 AM

#21

LED BriCK o

Flashaholic



Join Date: Dec 2005 Location: Baltimore Posts: 273

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

LEDcandle- I'm not sure about the terminology, but you mentioned the PTC in your cell- does that mean it's protected? I have the new AW protected 14500, and it's too long to fit. It sticks out of the end of the tube just long enough to prevent the tube from reaching the contact.

I would really rather use protected cells- does anyone know where I could score one that will fit and can be used in the DSD charger?

Reply With Quote

■ 05-06-2006, 06:28 AM

#22

LEDcandle •

Flashaholic*



Join Date: Aug 2005 Location: Mushroom S'pore Posts: 1,943

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Brick, I see that you've settled it by making the threads the contact point \bigcirc Great to hear!

The PTC is a "positive thermal coefficient". I don't know how to explain the whole mechanics of it, but anyway, I was referring to the 'protective strip' that runs along the batt body in protected batts. That usually increases the diameter of the batt and thus some protected batts cannot fit in a tube that a normal CR123a or unprot R123a can fit into.

Add: I believe the PTC exists in unprotected batts too, and it protects all these batts from thermal runaway. The more correct term to refer to the voltage protection on Page 15 of 19

Protected Batts is the "Protection PCB" (as there is a circuit board installed at the bottom of the battery) and the protective strip is part of the setup.

Last edited by LEDcandle; 05-07-2006 at 11:28 AM.

P Reply With Quote

■ 05-06-2006, 06:43 AM

#23

LED BriCK o

Flashaholic



Join Date: Dec 2005 Location: Baltimore Posts: 273

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Originally Posted by **LEDcandle**

Brick, I see that you've settled it by making the threads the contact point \odot Great to hear!

I haven't done that yet, I'm just thinking out loud. To be honest, I'm somewhat hesitant to permanently modify my new toy just yet. Leaving it as it is allows it to be used as a twisty in a pinch, and I don't know how it would affect the upcoming two-stage switch, if at all. If I could find slightly shorter protected 14500s, that'd be the way to go. It looks like Lighthound also has the new 14500s, and Battery Station's also seem to be longer than a standard AA. I guess another option would be to use some kind of round spacer, like a perfectly sized washer with a big hole in the middle to stick in on top of the contact in the switch body, but I don't know if such a size would be easily obtainable.

Reply With Quote

■ 05-06-2006, 06:57 AM

#24

onthebeam o

Flashaholic*

Join Date: Aug 2005 Posts: 837

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Can the 14500 batteries be charged in the Energizer 15 minute charger?

I have never used a 14500. Am I right in that one 14500 replaces one AA battery? I was somewhat confused by the post above.

Olight S1, EagleTac D25C Ti, 4/7s Mini MLX, 4/7s Mini MLR2, ITP

Page 16 of 19

A3 EOS, 4/7s Atom A0. Circa 2007: Orb Raw NS (UWOJ), VB-16 (4th), Fenix L1T 2, Liteflux LF2 (SSC P4), Fenix L0P-SE (SSC mod), Amilite Neo T5, Peak Caribbean, Jetbeam CL-E, Fenix L2P (CR2 mod), JIL CR2.

Reply With Quote

■ 05-06-2006, 07:21 AM

#25

LEDcandle o

Flashaholic*



Join Date: Location: Posts: Aug 2005 Mushroom S'pore 1,943

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

The 14500 is a Lithium Ion, 3.7v battery and needs Li-on charger like the DSD , or other capable chargers like the Triton. If you are talking about the Energizer NiMh charger, then nope, it won't work \bigcirc

It is classified under AA size, although it might be slightly longer/fatter as reported. Mine works in the Jetbeam, although the springs inside are probably compressed to the max when I tighten my light.

Nano charger edited out; Planterz below is right. So far I have only seen it in 123a size, although those with a little handy skills and equipment should be able to wire a 14500 up externally to the charger. I believe that will work? Pls correct me if I'm wrong.

Last edited by LEDcandle; 05-06-2006 at 07:47 AM.

Reply With Quote

■ 05-06-2006, 07:39 AM

#26

<u>Planterz</u> o

Flashaholic*



Join Date: Dec 2005 Location: Tucson, AZ Posts: 1,162 Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Maybe there's different sized Nano chargers, but the only one I see regularly is the 123A sized ones (which a 14500 won't fit in). Most people (including myself) go with a DSD charger which you can order with spacers that'll allow the 14500 to fit.

Most lights that are designed for a AA battery won't work with a 14500 because the 14500 is slightly longer (and would fry most of them anyway). It won't fit in a Fenix L1P for example.

Reply With Quote

■ 05-06-2006, 11:30 AM

#27

LED BriCK o

Flashaholic



Join Date: Dec 2005 Location: Baltimore Posts: 273

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Regarding those long 14500s, I did get AW's new longer 14500s to work. I'm not sure exactly how I did it, though. I took some copper strand wire and made a ring out of it to fit in the head end of the JET-I and allow a few extra mm for the AA tube to be able to reach the contact. I started out with 5 strands, which was a little too thick, so I kept taking out strands until I got down to two. This was of negligible thickness, so I tried taking it out, and lo and behold, the light still works. After fooling around with it a little, I found that if I tighten down the switch and install the cell from the head end, it works, but not if I install from the switch end. However, if I install from the switch end then loosen and retighten the head, it works. It seems as though maybe the tolerances in my switch are very close, and I have to tighten the switch down fully before I put the 14500 in? In any case, I'll keep those copper rings for awhile in case this stops working.

So far, good to go!

P Reply With Quote

■ 05-06-2006, 03:33 PM

<u>#28</u>

kbog o

Enlightened

Join Date: Dec 2005 Posts: 76 Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

Thanks for the plots - nice work. Does anybody know where to get details on how well the 123 version runs?

Reply With Quote

■ 05-06-2006, 09:17 PM

#29

cheapo o

Flashaholic*



Join Date: Jan 2005 Posts: 3,326

Re: Jetbeam Jet-I runtime tests (14500, Sanyo 2500)

if i can get a confirmation that this light on 14500s is as bright as a kl1, and that 2 stages will work, i will seriousely look into it.

-David

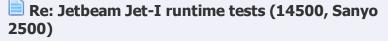
Reply With Quote

■ 05-06-2006, 11:27 PM

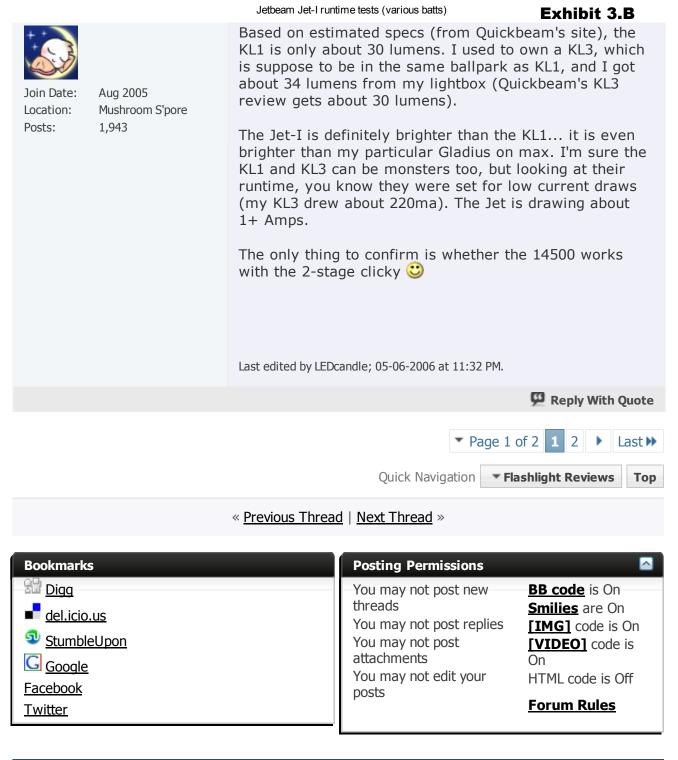
<u>#30</u>

LEDcandle o

Flashaholic*



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All times are GMT -6. The time now is 10:38 AM.

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Black N White

Generated on:

This page was generated by TSDR on 2016-01-10 16:38:28 EST

Mark: NITEYE

NITEYE

US Serial Number: 85485500 Application Filing Date:

Dec. 02, 2011

US Registration Number: 4179235 Registration Date:

Jul. 24, 2012

Filed as TEAS Plus: Yes Currently TEAS Plus:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date:

May 22, 2014

Publication Date: May 08, 2012

Mark Information

Mark Literal Elements:

NITEYE

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark:

The mark consists of the wording "NITEYE".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Translation:

The wording "NITEYE" has no meaning in a foreign language.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For

Aquarium lights; Bicycle lights; Diving lights; Flashlights; Landscape lighting installations; Overhead lamps; Pocket search lights; Safety lamps for underground use; Searchlights; Ultraviolet lamps not for medical purposes; table, floor and street lamps

International Class(es): 011 - Primary Class U.S Class(es):

013, 021, 023, 031, 034

Class Status:

ACTIVE

Basis:

1(a)

First Use: Oct. 11, 2008 Use in Commerce:

May 01, 2010

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No Filed 66A: No Currently 66A: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

MO, ZHANGWEI

Owner Address:

Filed No Basis: No

GROUP 3, TAISHA VILLAGE NANMING TOWN, JIANHE COUNTY, GUIZHOU PROVINCE, CHINA

Legal Entity Type: INDIVIDUAL Citizenship:

CHINA

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address:

JAY P HINES MUNCY GEISSLER OLDS & LOWE PC 4000 LEGATO ROAD SUITE 310 FAIRFAX, VIRGINIA UNITED STATES 22033

Correspondent e-mail: gx6668@yahoo.com.hk

Correspondent e-mail Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 22, 2014	CANCELLATION INSTITUTED NO. 999999	59235
Jul. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
May 08, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 08, 2012	PUBLISHED FOR OPPOSITION	
Apr. 18, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Apr. 03, 2012	ASSIGNED TO LIE	68123
Mar. 15, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2012	ASSIGNED TO EXAMINER	68788
Dec. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Dec. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location:

Jul. 24, 2012

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Cancellation

Proceeding Number: 92059235 Filing Date:

May 08, 2014

Status: Pending Status Date:

May 08, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name:

Zhangwei Mo

Correspondent Address:

JAY P HINES MUNCY GEISSLER OLDS & LOWE PC 4000 LEGATO ROAD, SUITE 310 FAIRFAX VA UNITED STATES , 22033

Correspondent e-mail:

mailroom@mg-ip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NITEYE	Cancellation Pending	85485500	4179235
	Plaintiff(s)		

Name:

Nite Ize, Inc.

Correspondent Address:

ROBERT P ZIEMIAN Haynes and Boone, LLP 2323 Victory Avenue, Suite 700 Dallas TX UNITED STATES , 75219

Correspondent e-mail:

robert.ziemian@haynesboone.com

Associated marks

Mark		Application Status	Serial Number	Registration Number
IITE IZE		Renewed	74029928	1620077
IITE IZE		Renewed	<u>75137013</u>	2237945
	Prosecution Hist	tory		
Entry Number	History Text		Date	Due Date
	FILED AND FEE		May 08, 2014	
!	NOTICE AND TRIAL DATES SENT; ANSWER DUE:		May 22, 2014	Jul 01, 2014
l .	PENDING, INSTITUTED		May 22, 2014	
	P PROOF OF SERVICE		May 23, 2014	
;	STIP FOR EXT		Jul 01, 2014	
;	EXTENSION OF TIME GRANTED		Jul 01, 2014	
•	ANSWER		Jul 31, 2014	
1	D UNDELIVERABLE MAIL		Aug 01, 2014	
)	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS C	R COUNTERCLAIM	Sep 09, 2014	
0	P INITIAL DISCLOSURES		Sep 29, 2014	
1	TRIAL DATES REMAIN AS SET		Dec 19, 2014	
2	P 1ST SET OF INTERROGATORY		Jan 15, 2015	
3	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
4	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
5	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
6	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
7	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
8	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
9	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
0	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
:1	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	
2	P MOT FOR SUMMARY JUDGMENT		Jan 21, 2015	

Exhibit 3.C

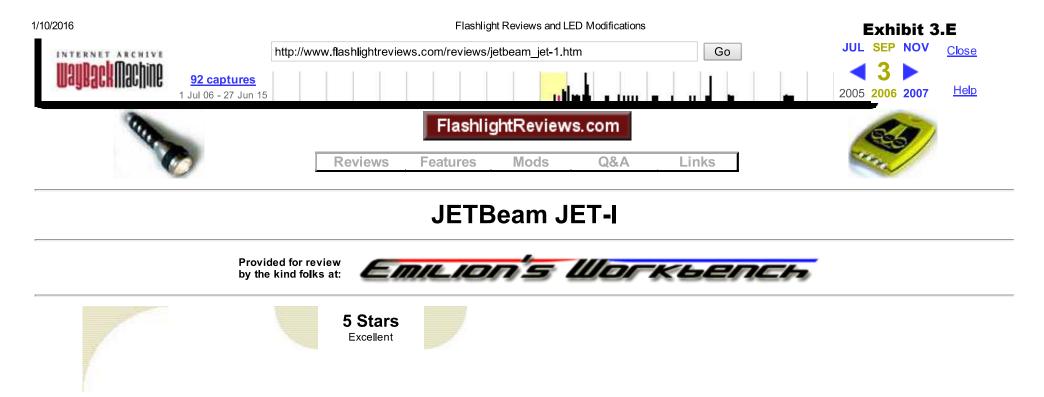
23	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2015
24	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2015
25	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 02, 2015
26	D OPP/RESP TO MOTION	Mar 04, 2015
27	P REPLY IN SUPPORT OF MOTION	Mar 19, 2015
28	CHANGE OF CORRESP ADDRESS	Jun 11, 2015
29	P MOT FOR SJ DENIED/PROCEEDINGS RESUMED	Jun 30, 2015
30	STIP FOR EXT	Aug 11, 2015
31	EXTENSION OF TIME GRANTED	Aug 17, 2015
32	STIP FOR EXT	Sep 04, 2015
33	EXTENSION OF TIME GRANTED	Sep 04, 2015
34	STIP FOR EXT	Oct 09, 2015
35	EXTENSION OF TIME GRANTED	Oct 09, 2015
36	STIP FOR EXT	Nov 11, 2015
37	EXTENSION OF TIME GRANTED	Nov 11, 2015
38	STIP FOR EXT	Dec 07, 2015
39	EXTENSION OF TIME GRANTED	Dec 07, 2015

Exhibit 3.C





Page 1 of 1



Light Type: Luxeon III LED Light Class: Outdoor / Rough Use / Etc.

IMPORTANT: This light is no longer available in this form. When you are done reading this review, you will need to read the

JETBeam JET-I Mk-II review to see what updates have been made to this light.



The JETBeam JET-I is a new light from Emilion's Workbench. This little pocket-rocket is the closest thing you'll probably come to a completely custom flashlight, because, well, it is a completely custom flashlight. Designed to include many great features, it is an amazing little personal illumination device.

The JETBeam JET-I uses a single 3 Watt Luxeon sitting behind a sapphire crystal lens with an internal AR coating. The aluminum reflector has been custom designed to help with the tint of the light produced by the LED, resulting in a very white light output. It uses a special boost circuit that helps regulate light levels and has three notches around the body filled with glow powder impregnated epoxy to help you find the light in the dark. Normally running on a single AA (alkaline, lithium, or NiMH) you can purchase a 123A tube or an extension to run the light on 2 AA cells. Even AAA cells can be used if that is all that is available. A number of accessories are included with the light as well.

PLEASE NOTE: This is a "small run" light, which means that it is about as close to a personally-designed custom-crafted light as you can get without having one hand made just for you. It was not designed by a huge manufacturer, but by an individual who wanted to make an exceptional light, and the parts were machined and built by a factory that was commissioned to do much of the work. Some of the work done on the light is "by hand" by the individual who is making and selling the light, before being shipped to the consumer. You may want to consider these to be "pre-production" lights. Like any piece of machinery that is a new release from a custom shop, it may need a little TLC and slight adjustments to make it the best that it can be. Don't get this light unless you are ready to do a few simple little tweaks to make it "perfect". More on this later.



Body:

The body of the JETBeam JET-I is aircraft grade aluminum with a high quality HA-III natural (gray) finish in order to give the aluminum a high degree of abrasion resistance. The two ends of the body tube are different. The head will only thread on one end, and the tail will only thread on the other end. They are not reversible. Also, the O-rings on each end of the tube are a different color - red on one end and orange on the other. An easy way to remember which side is which is by using the color of the O-rings: Red is for the Head.

The head of the light is unadorned except for the unit's serial number etched around the base of the head. The body has three flat panels to assist with grip. The tailcap is surrounded by a box pattern in three rings which improves grip. The tailcap also has two holes and an notch. This is for placement of a split ring through one hole which could then fold into the notch for standing the light on it's tail. The tailcap switch is covered with a black textured rubber cap and two spare rubber caps are included - one red and one orange. The switch does protrude slightly beyond the tailcap, making it a little difficult to stand on end. You can adjust the pressure that the inner switch puts on the rubber tailcap cover, retracting it slightly if you are adventurous and want to disassemble the tailcap. However, this may render your light no longer waterproof as there will be no pressure on the rubber cover to keep water out.



2AA extension tube (Attaches to included AA tube to allow one more AA); JET-I in center; 123A tube.



1 AA tube and 123A tube in normal light, with lights out to show glow epoxy on sides

The optional AA extension tube attaches to the end of the light where the tailcap goes. The tailcap is then transferred to the end of the extension tube to create a 2 AA flashlight. The 123A tube replaces the normal AA tube and tailcap and changes the light from a click on-off light to a twist on-off. Since there is no switch on the 123A tube, this results in a very small light.

Only the standard AA tube and the 123A tube have the glow-in-the-dark epoxy on the sides. The glowing compound is harmless and only glows when "activated" by exposure to light. The glow compound rests in three grooves around the body of the light. I found that the AA tube's glow compound had a granular appearance and was not as bright as the compound on the 123A tube.

About those little "tweaks" I mentioned:

You may note that the AA tubes (both included and extension tube) have dual O-rings on them. I found that the tailcap was a real pain to put on and take off of the tubes unless I removed the outermost O-ring on the end where the talicap attaches. This makes it much easier to assemble and disassemble while still

maintaining a good degree of water resistance. This is really a personal preference issue.

Many users of this light found that there was an advantage to removing the O-rings and scrubbing the threads with an old toothbrush dipped in isopropyl (rubbing) alcohol. There may be a little grit on the threads and this extra step will make it easier to use as well as help the light last much longer. If you choose to clean the threads inside the head and talicap, do so very carefully and don't allow the alcohol to get inside the electronics. Keep them tipped open side down and use a bit of cloth or Q-Tip to clean the threads. Don't forget to lube the O-rings and threads with silicone grease before re-assembly. Cleaning the threads is completely optional, and is a good idea for any new light you get.

Some folks had a problem where the light would not work upon assembly unless they really screwed the tailcap on very tight. This is a minor bug that the designer needs to work out with the factory before their next manufacturing run. If you do experience this problem, the fix only takes about 2 minutes to do. What appears to be happening is that a thin layer of the Type-III anodize may be coating the exposed aluminum at the end of the tube. This can be fixed by placing the tube upright on a piece of 400 grit sandpaper and sanding the very ends. If you choose to try to do this, it is AT YOUR OWN RISK (I have to say that so you don't blame me if you muck up your battery tube). Rub the tube in circles gently so that the end of the tube is abraded and any anodize is stripped off. It's best to put the sandpaper on a flat hard surface to do this work and carefully rub the flat bottom of the tube in circles on the paper. When the grit turns into an even field of gray, you should be done. This work can be done to both ends of the tube. Be sure to sand just the END of the tube, not the SIDES or the THREADS.

Bezel/Head:

The JETBeam JET-I uses a single 3 Watt Luxeon sitting behind a sapphire crystal lens with an internal AR coating. The aluminum reflector has been custom designed to help with the tint of the light produced by the LED (details are not being given - trade secret), resulting in a very white light output. The reflector is textured to smooth out any imperfections in the beam. The JET-I head also contains a special boost circuit that helps regulate light levels and allows the JET-I to operate on several types of batteries. The circuit is an auto detect Current Regulated Circuit that will attempt to regulate the light output when the source voltage is anything from 4.2 Volts to 0.7 Volts.

4.2v - 3.7v - Direct drive from cells (Drives LED at something around 4 Watts).

3.7v - 2.2v - Drives LED at 3 Watts

2.2v - 1.0v - Drives LED at 1 Watt.

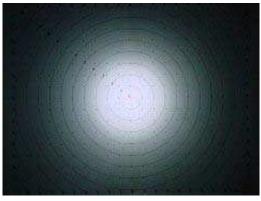
< 0.7 v - The circuit will continue to draw any current it can to light the LED



Output: The white light produced by the LED is exactly that, white. No tint is detectable. Whatever they did to the reflector to make is help with the light tint, it must be working. The beam has a bright central spot with a tapering corona and wide spillbeam. I put the runtimes to 50% in the chart below for convenience. Note that the runtimes on two cells is often shorter than the runtime on one cell.

Battery Type	<u>Throw</u>	Overall Output	Time to 50% output
1 AA Alkaline	688 (26.23)	2200 (22.00)	1 hr 18 min
2 AA Alkaline	1200 (34.64)	4200 (42.00)	1 hr 00 min
1 AA Lithium L91	748 (27.35)	2500 (25.00)	3 hr 08 min
2 AA Lithium L91	1350 (36.74)	4800 (48.00)	2 hr 45 min
1 AA NiMH	616 (24.82)	2070 (20.70)	2 hr 02 min
2 AA NiMH	1135 (33.69)	4000 (40.00)	1 hr 32 min
1 123A Lithium	1145 (33.48)	3430 (34.30)	1 hr 08 min

All throw readings are in Lux at one meter. The numbers in parenthesis are for comparison in the Comparison Charts.

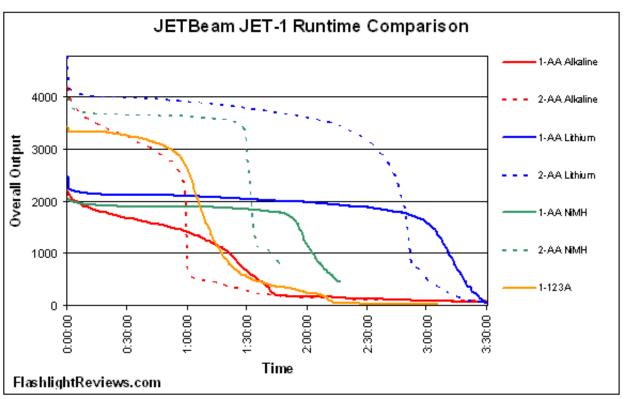


Page 6 of 12

Beam at one meter at target center.

Runtime Plot:

This time I decided to do the runtimes a little differently. Here they all are on the same graph, with the graphs adjusted for initial starting output. Runtimes completed with alkalineAA, lithium AA, NiMH, and 123A cells:



Alkaline Runtime completed with Rayovac brand batteries.
Lithium AA Runtime completed with Energizer brand L91 AA batteries.
NiMH Runtime completed with Energizer brand 2300 mAh batteries.
123A Runtime completed with "Titanium" brand batteries.
More information on runtime plots is available HERE.

Switch:

The switch is covered by a textured rubber pad and is considered to be a "reverse clickie". Press until it clicks for on, press gently after "on" to blink. Press again until it clicks for off. Nothing else really to report here...



Seals / Water Resistance:

Single or double O-ring seals protect most of the light and the head is sealed. It should be considered "dunkable" but is not intended for diving (although some third parties have reported taking it for a swim in the pool without any problems.)

If it gets wet inside, just disassemble as much a possible without tools and let it dry before using again.

Ergonomics:

The triangular profile of the body tube makes it feel a little weird, but it's hardly worth mentioning. Some folks using this light have found that the switch is hard to press, but I did not have any issues with it. You may need to press in on the switch cap with the tip of your thumb instead of the pad of the thumb in order to activate it.

Keep in mind that in use this light will get hot during use. If you keep your hand wrapped around it, the heat should not get to the point where it is uncomfortable since your body's own circulatory system will act as a heat-pump and move the heat away from the light. If left in open air for a while and you grab it, it may scald your hand. Use caution!



1 AA configuration (standard) compared to a common 2AA aluminum light



2AA configuration (optional) compared to a common 2AA aluminum light



123A configuration (optional) compared to a common 2AA aluminum light

Batteries:

Utilizing the various battery tubes it can use the following battery options:

- 1 AA alkaline (AA tube)
- 1 AA NiMH (AA tube)
- 1 AA L91 Lithium (AA tube)
- 1 AAA alkaline (fits in AA tube)
- 1 AAA NiMH (fits in AA tube)
- 1 AAA L92 Lithium (fits in AA tube)
- 2 AA alkaline (AA tube + AA extension)
- 2 AA NiMH (AA tube + AA extension)
- 2 AA L91 Lithium (AA tube + AA extension)
- 1 14500 Li-Ion rechargeable (AA tube)
- 123A Lithium (123A tube)
- 123A Protected Rechargeable Li-Ion (123A tube)
- 123A Unprotected Rechargeable Li-Ion (123A tube)

If using the optional 123A battery tube, I would recommend <u>Titanium</u> brand cells for \$1.00 each (<u>here's a review</u>) or <u>BatteryStation</u> or <u>Surefire</u> brand cells for less than \$2 each. I would not recommend purchasing these cells at retail stores since they cost \$10 a pair or more in most retail stores!

To change out the batteries: unscrew the tube, drop out the old cells, place in new cells observing proper polarity. Reattach the tube and you're ready to go.

Accessories:

Included with the light is a belt pouch for the 1 AA configuration, a lanyard and two switch covers - one red and one orange (the red doesn't look that good in the picture below, but it is very "red").



Page 10 of 12

What I Liked: Water resistant, Tough HA-III finish, Impact resistant, Regulated, Good battery life, Bright, Easy battery change, Lightweight, Lots of battery options.

What I Didn't Like: Nothing.

Picky Little Things: I had to remove one O-ring from the tailcap end to make installation of the tailcap easier. Threads needed a good cleaning.

Conclusions: Overall the JETBeam JET-I an excellent light. Well designed, very bright, and very versatile. I consider the JET-I to be a premium, essentially custom, light, and in my opinion it is a bargain at the offered price. You may need to do make some very slight adjustments on this first run of the JET-I, but I'm still giving it 5 Stars.

Quick Facts Table:

Item Reviewed	JETBeam JET-I
Review Date	June 2006
Case Material	Type III anodized aluminum
Case Features	Glow in the dark panels, lanyard attachment point, colored switch covers
Case Access Type	Unscrew head or talicap
Switch Type	"Reverse" clickie
Reflector Type	Textured aluminum
Lens Type	AR coated sapphire window
Bulb Type	Luxeon III LED
Beam Type	Spot
Beam Characteristics	Smooth; visible spot, corona, and spillbeam
Throw (Lux) (click for description)	See chart above
Overall Output (click for description)	See chart above
Battery / Power Type	See options above under "Batteries"
Battery Life (advertised)	1 AA: 80 minutes; 1 AA or 123A: 60 minutes
Battery Life (test results)	See charts above
Environmental Protection	Single and double O-ring seals, rubber switch cap, dunkable
\A/a:a:b4 /a= \:4b b a44a::aa	

1/10/2016 Flashlight Reviews and LED Modifications Exhibit 3.F

1AA: 2.3; 2AA: 3.7; 123A: 1.6

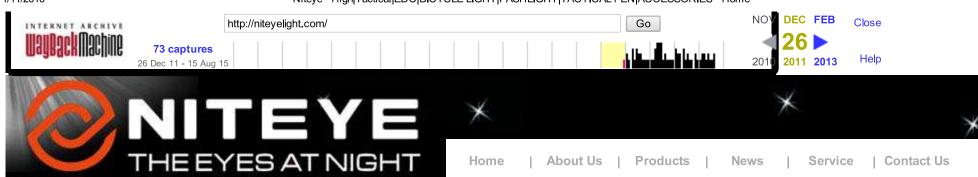
Special Items of Note Lanyard, sheath, switch caps included. Optional 2AA and 123A

tubes.

Warranty

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www.niteye.com

Lookup



Showing results for: niteye.com

Original Query: www.niteye.com

Contact Information

Registrant Contact

Name: hubaohua

Organization: hu baohua

Mailing Address: Guangdong province, Shenzhen City,

Shenzhen Guangdong 518000

China

Phone: +86.134 23807609

Ext:

Fax: +86.755 22651234

Fax Ext:

Email:jxhbh@126.com

Admin Contact

Name: hu 杰特明

Organization: hu baohua

Mailing Address: Guangdong province, Shenzhen City,

Shenzhen Guangdong China

Phone: +86.134 23807609

Ext:

Fax: +86.755 22651234

Fax Ext:

Email:jxhbh@126.com

Tech Contact

Name: hu 杰特明

Organization: hu baohua

Mailing Address: Guangdong province, Shenzhen City,

Shenzhen Guangdong China

Phone: +86.134 23807609

Ext:

Fax: +86.755 22651234

Fax Ext:

Email:jxhbh@126.com

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WHOIS Inaccuracy Complaint Form

WIREGISTACE Complaint Form

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URL: http://www.xinnet.com

Registrar: XINNET TECHNOLOGY

CORPORATION IANA ID: 120

Status

Domain Status: ok http

Abuse Contact Email:supervision@xinnet.com Abuse Contact Phone: +86.1087128064

Important Dates

Updated Date: 2014-10-19 Created Date: 2011-10-17

Registration Expiration Date: 2017-10-17

Name Servers

ns13.xincache.com ns14.xincache.com

Raw WHOIS Record

Domain Name:niteye.com

Registry Domain ID:

Registrar WHOIS Server:whois.paycenter.com.cn

Registrar URL:http://www.xinnet.com Updated Date: 2014-10-20T02: 41:53.00Z Creation Date: 2011-10-17T17:22:29.00Z

Registrar Registration Expiration Date: 2017-10-17T17:22:29.00Z

Registrar:XINNET TECHNOLOGY CORPORATION

Registrar IANA ID:120

Registrar Abuse Contact Email:supervision@xinnet.com

Registrar Abuse Contact Phone: +86.1087128064

Domain Status: ok http Registry Registrant ID: Registrant Name:hubaohua

Registrant Organization:hu baohua

Registrant Street:Guangdong province, Shenzhen City

Registrant City:Shenzhen

Registrant State/Province:Guangdong

Registrant Postal Code:518000

Registrant Country: China

Registrant Phone: +86.134 23807609

Registrant Phone Ext:

Registrant Fax:+86.755 22651234

Registrant Fax Ext:

Registrant Email:jxhbh@126.com

Registry Admin ID:

Admin Name:hu 杰特明 Admin Organization:hu baohua

Admin Street: Guangdong province, Shenzhen City

Admin City:Shenzhen

Admin State/Province: Guangdong

Admin PostalCode:518000

Admin Country: China Admin Phone: +86.134 23807609

Admin Phone Ext:

Admin Fax:+86.755 22651234

Admin Fax Ext:

Admin Email:jxhbh@126.com

Registry Tech ID:

Exhibit 3.G

Tech Name:hu 杰特明 Tech Organization:hu baohua Tech Street:Guangdong province Sh

Tech Street:Guangdong province,Shenzhen City

Tech City:Shenzhen

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Tech Phone Ext:

Tech Fax:+86.755 22651234

Tech Fax Ext:

Tech Email:jxhbh@126.com Name Server:ns13.xincache.com

Name Server:ns14.xincache.com

DNSSEC:unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

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(2) enable high volume, automated, electronic processes that apply to Paycenter or its systems.

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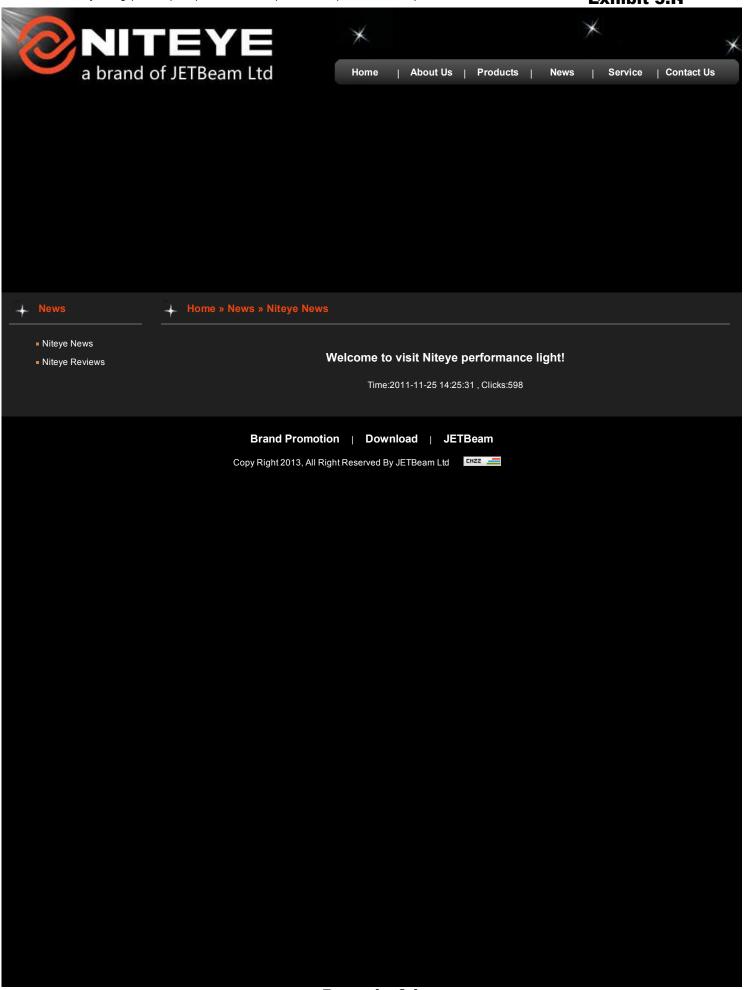
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Lookup



Showing results for: niteye.com

Original Query: www.niteye.com

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Organization: hu baohua

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Admin Fax Ext:

Admin Email:jxhbh@126.com

Registry Tech ID:

Exhibit 3.1

Tech Name:hu 杰特明 Tech Organization:hu baohua

Tech Street: Guangdong province, Shenzhen City

Tech City:Shenzhen

Tech State/Province:Guangdong

Tech PostalCode:518000

Tech Country: China

Tech Phone: +86.134 23807609

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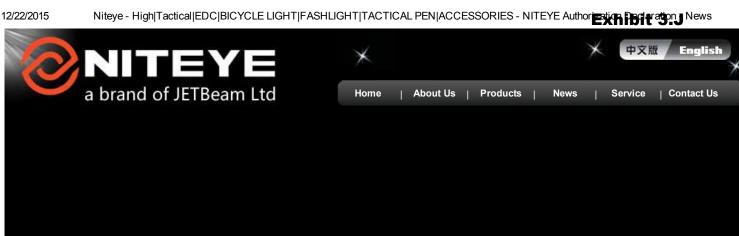
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- Niteye News
- Niteye Reviews

NITEYE Authorization Declaration

Time:2012-4-19 16:19:40, Clicks:1141

All NITEYE products are authorized by the brand owner Shenzhen Jetbeam Electronic Technology CO., Ltd, who owns all the patents and copyrights of Jetbeam flashlights.

There are no legal issues between NITEYE products and JETBeam products in the market. In Europe, JETBeam Ltd distributes all it's products ONLY in NITEYE since April $\,\,\,2012.$ All the products with NITEYE and JETBeam brands are under the tutelage of law.

Jetbeam Electronic Technology CO., Ltd

2012-4-19

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DOCUMENTS SUBMITTED SEPARATELY UNDER SEAL - SUBJECT TO PROTECTIVE ORDER

Filed Separately With Plaintiff's Fifth (Confidential) Notice of Reliance

EXHIBIT I to Petitioner Nite Ize, Inc.'s Second Notice of Reliance

(Exhibit 3K attached to Respondent's Responses to Requests for Production)

Bates Number MO00056 Bates Number MO00057

DOCUMENTS SUBMITTED SEPARATELY UNDER SEAL - SUBJECT TO PROTECTIVE ORDER

Filed Separately With Plaintiff's Fifth (Confidential) Notice of Reliance

EXHIBIT I to Petitioner Nite Ize, Inc.'s Second Notice of Reliance

(Exhibit 3L to Respondent's Responses to Requests for Production)

Bates Number MO00037 Bates Number MO00038





THE EYES AT NIGHT





EYE30 is Niteye first high-end & high-tech light, innovative leading technology, centralized science, fashion, exquisite technology, perfect shape and practical multi-function; merged three lamps in one, used the technology of magnetic ring dimming and intelligent digital power display with car charge design, plus the removable grip handle. Also, EYE30 has max output 2000 lumens high brightness, 55 hours long runtime, 380 m shot distance, enjoying outdoor practical lighting function with 4 modes illumination, append strobe/cruise warning and power display. There is no doubt that Niteye is creating EYE30 for outdoor search, vehicle cross-country, collection to enjoy playing to show off, or Cordiality gift as a high-end lighting tool!

Page 1 of 1





- Niteye News
- Niteye Reviews

EYE30's popular reviews by various consumers!

Time:2012-2-3 10:23:57, Clicks:1239

EYE30, as NITEYE first high-end & high-tech lighting product, merging three lamps in one, useing the technology of magnetic Ring dimming and intelligent digital power display with humanized car charge design, plusing the removable grip handle, is favourite by more and more consumers or flashaholics of various countries!



http://www.candlepowerforums.com/vb/showthread.php?330113-Niteye-EYE-30-Review

http://www.taschenlampen-forum.de/taschenlampen/10514-review-biest-niteye-eye-30-2000-lumen.html

http://www.helle-taschenlampen.de/threads/review-niteye-eye-30-3-x-xm-l-u2-max-2000-lumen.124/

http://www.taschenlampen-forum.de/taschenlampen/10843-niteye-eye30-mini-review-technik.html

http://www.odoo.tv/Niteye-Eye-30.758.0.html

http://flashaholic.net/blog/?p=459

http://www.shoudian.com/thread-231950-1-1.html

http://www.shoudian.com/thread-231517-1-17.html

http://www.shoudian.com/thread-236541-1-3.html

http://www.shoudian.com/thread-234021-1-9.html

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Niteye® EYE30 Flashlight

R3,600.00

X Out of stock

Description Additional Information Product Enquiry

Product Description



The EYE30 was Niteye's first flashlight. World-wide it is the best seller. Very few flashlights on the market can produce 2000 lumens, not to mention 2000 lumens from such a small unit. The EYE30 has unique features which makes it stand out from its competitors, such as: Three separate reflectors, battery level indicator, removable grip handle, many different battery configurations and direct charge from a 12V car adapter.

The EYE30 comes with: 4 x 2600 mAh Li-ion batteries, built in charger, 12V car adapter and 100 - 240 V home charger.

Material and finish: Aircraft grade aluminium and HA III anodizing

Rated max lumen: 2000

Beam distance: 380m

Modes and runtimes: 2000lm - 2h / 1000lm - 3h / 300lm - 12h / 60lm - 55h

Battery: 4 x 18650 2600 mAh Li-ion (included) or 8 x CR123 cells

Water resistance: IPX 8 at 2m

Features:

- Magnetic control ring
- Constant current regulation
- · Stainless steel bezels
- · Battery level indicator
- 3mm AR coated lenses
- 12V Direct charge
- Removable grip handle

Dimensions: Length: 145mm / width: 66mm / depth: 66mm

Weight: 396g (excluding batteries)

For more info please read/watch these reviews:

Niteye EYE30 2000 Lumen LED Flashlight Review





http://www.candlepowerforums.com/vb/showthread.php?330113-Niteye-EYE-30-(3-x-XM-L-2-4-18650)-Review

http://jayman777.blogspot.com/2012/08/niteye-eye-30.html

SKU: NEYE303400. Categories: 18650, Flashlights, Niteye® Premium Flashlight.

1 review for Niteye® EYE30 Flashlight



Andre Solomon – October 18, 2013:

I have the Desert edition of the EYE30. It is basic exactly the same, just powder coated in a sand colour. The quality of this light is extraordinary. The handle really improves its usability. The stainless steel bezel rings are placed at all the vulnerable places and does not only protect but also looks great. Every last detail is sought after, even the metal battery cage. The EYE30 weighs quite a bit, but considering 2000 lumens out of three LED's, there's going to be a lot of heat and to compensate for that they upped the aluminium thickness in the head. Using the magnetic control ring is intuitive and one hand operation is easy. There are eight modes to choose from and I have found that even the lowest mode of 60 lumens, has ample of light. We went camping next to the Orange River and had to set up camp in pitch darkness. I made the flashlight stand whilst aimed at the setup site and the light was sufficient. And knowing that we had 55 hours of low mode was very reassuring, and knowing that there is 1940 lumen still on tap, that's nice. The beam pattern is beautiful. I had no need for a zoom function between focus and flood because the beam pattern combines both, flooding with light the area in front of you while still reaching 380 m afar. You won't be caught off guard with flat batteries if you keep an eye on the battery level indicator. I had to replace my first o-ring, but fortunately a spare one was provided. Using the EYE30 is a blast and I can recommend it to anyone.

Add a review

Name *			Email *						
Your Rating									
1	*	2	**	3	***	4	***	5	****

Related Products



R275.00

•

Niteye GM02 Picatinny Gun Rail Flashlight Weapon Mount with Quick Release

Flashlight accessories, Flashlights, Niteye® Premium Flashlight

Info



R2,300.00

•

Archon W28V photography

Archon -Diving, Diving Flashlights, Flashlights

Sale!



R4,950.00 R2,995.00

Niteye® EYE40 L2 Flashlight

Flashlights, Niteye® Premium Flashlight

Sale!



R2,595.00 R1,895.00

Niteye® HT20 Hunting Flashlight

Flashlights, Niteye® Premium Flashlight



4 reviews

Sale!



R2,840.00 R1,895.00

Niteye® HT20 Hunting Flashlight + Remote Pressure Switch COMBO

Flashlights, Niteye® Premium Flashlight









Recent Comments

- Snoekie on 70W Night Raider LED Spot Light Single Unit
- Dries de la Rey on 2 X Premium Mini Motorcycle Spot & Handlebar Switch COMBO
- etienne on 70W Night Raider LED Spot Light Single Unit
- Chris on Hi3 Motorcycle Light single unit
- louwapj@gmail.com on XPh3A Headlamp

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration Mark: Niteye	No. 4179235
NITE IZE, INC.,)
Petitioner,) Cancellation No. 92059235
V.)
ZHANGWEI MO,)
Respondent.)))

PETITIONER'S FOURTH SET OF REQUESTS FOR ADMISSION

Petitioner Nite Ize, Inc. ("Petitioner" or "Nite Ize"), through undersigned counsel, submits the following requests for admission to be answered by Respondent Mo, Zhangwei ("Respondent") pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120.

INSTRUCTIONS

- 1. Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Respondent must respond fully and completely to the following requests for admission, in writing and under oath, within thirty (30) days of service hereof.
- 2. Each matter for which an admission is requested is separately set forth. Those matters are admitted without the necessity of a court order, unless, within thirty (30) days after service of these requests, Respondent serves upon Petitioner, through counsel, a written answer or objection addressed to the matter, and signed by Respondent or its attorney. Any such answer must specifically deny the matter or set forth in detail the reason that the Respondent cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that Respondent qualify its answer or deny only a part of the matter in which an admission is admitted, it shall specify so much of it as is true and qualify or deny the remainder.

1

3. Respondent may not give lack of information or knowledge as a reason for the failure to admit or deny unless it states that it has made reasonable inquiry and that the information known or easily obtainable by it is insufficient to enable it to admit or deny. Any matters admitted in the attached requests for admission are conclusively established as to Respondent.

DEFINITIONS

For the purposes of these requests for admission, the following definitions shall apply:

- 4. The term "you" and "your" shall refer to Respondent, MO, ZHANGWEI, and any person acting on their behalf.
- 5. Use of the singular form of any word includes the plural form of that word and vice versa.
- 6. The conjunctives "and" and "or" shall be construed both conjunctively and disjunctively and each shall include the other to encompass the broadest possible response.
- 7. The phrase "Niteye Mark" or "Niteye" refers to the mark more fully described in Registration No. 4,179,235.
- 8. The phrase "NITE IZE Mark" or "NITE IZE" refers to the mark more fully described in Registration Nos. 1,620,077 and 2,237,945.
- 9. The term "Product" includes any good currently or previously sold or advertised by you, any good currently or previously sold or advertised under the Niteye brand, any good currently or previously using the Niteye Mark, any good currently or previously listed on the website www.niteyelight.com/product/, and any good, whether currently sold to the public or otherwise, described in Registration No. 4,179,235.

REQUESTS FOR ADMISSION

Request for Admission 1: Admit that Respondent does not challenge Petitioner's standing to bring the instant Cancellation proceeding.

Request for Admission 2: Admit that Respondent does not contest Petitioner's ownership of Petitioner's marks, including the NITE IZE Mark.

Request for Admission 3: Admit that each of the following documents attached as an exhibit to these requests for admissions is a true and accurate reproduction of a genuine original and is admissible:

- a) The file history for Reg. No. 4179235, attached as Exhibit A;
- b) The file history for Reg. No. 2237945, attached as Exhibit B;
- c) The file history for Reg. No. 1620077, attached as Exhibit C;
- d) The Notice of Pseudo Mark for Serial Number: 85485500, attached as Exhibit D.

Request for Admission 4: Admit that the Notice of Pseudo Mark for Serial Number: 85485500, attached as Exhibit D identifies "Nite Eye" and "Night Eye" as pseudo marks.

Request for Admission 5: Admit that page 82 of Exhibit B shows a record of the examining attorney for the case searching for combinations of terms in the trademark database that include "Nite Eye" and "Night Eye."

Request for Admission 6: Admit that the consumers for the goods offered or intended to be offered under Respondent's Mark will overlap with consumers of Petitioner's goods sold under Petitioner's Marks.

Request for Admission 7: Admit that Respondent has no evidence that the consumers for the goods offered or intended to be offered under Respondent's Mark would not overlap with consumers of Petitioner's goods sold under Petitioner's Marks.

Request for Admission 8: Admit that flashlight handles and holders are commonly sold in association with flashlights.

Request for Admission 9: Admit that holders for and attachments to flashlights are commonly sold in association with flashlights.

Request for Admission 10: Admit that you sell a holder for a flashlight.

Request for Admission 11: Admit that you sell the Niteye EYE30 Grip Carry Handle.

Request for Admission 12: Admit that Exhibit E shows an advertisement for your Niteye EYE30 Grip Carry Handle.

Request for Admission 13: Admit that you sell the Niteye EYE30 Grip Carry Handle in the same channels of commerce as your flashlights.

Request for Admission 14: Admit that Exhibit E shows an advertisement for your Niteye EYE30 Grip Carry Handle and is a true and accurate reproduction of a genuine original and is admissible.

Dated May 13, 2016

Respectfully submitted, Haynes and Boone LLP

By: Mrs.

Robert P. Ziemian

Address

Telephone: 720-484-3713

Fax:

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on this 13th day of May 2016, a copy of the foregoing **PETITIONER'S FOURTH SET OF REQUESTS FOR ADMISSION** was served by e-mail to the following:

P. Jay Hines Muncy, Geissler, Olds & Lowe P.C. 4000 Legato Road, Suite 310 Fairfax, Virginia 22033 E-mail: jh@mg-ip.com

/Robert P. Ziemian/